

FEDERAL REGISTER



VOLUME 18

NUMBER 176

Washington, Wednesday, September 9, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10484

PROVIDING FOR THE ADMINISTRATION OF THE PRESIDENT'S MANAGEMENT IMPROVEMENT FUND

By virtue of the authority vested in me by the Constitution and statutes, including section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of the Bureau of the Budget is hereby authorized and empowered to exercise the authority vested in the President by the paragraph appearing under the heading "Funds Appropriated to the President—Expenses of Management Improvement" in Chapter VII of the Supplemental Appropriation Act, 1954, to allocate to any agency or office in the executive branch (including the Bureau of the Budget) funds appropriated by the said paragraph.

SEC. 2. The Director of the Bureau of the Budget shall from time to time report to the President concerning activities carried on by executive agencies and offices with funds allocated hereunder and shall, consonant with law, exercise such direction and control with respect to the said activities as he shall deem appropriate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 3, 1953.

[F. R. Doc. 53-7905; Filed, Sept. 8, 1953;
10:29 a. m.]

EXECUTIVE ORDER 10485

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS HERETOFORE PERFORMED BY THE PRESIDENT WITH RESPECT TO ELECTRIC POWER AND NATURAL GAS FACILITIES LOCATED ON THE BORDERS OF THE UNITED STATES

WHEREAS section 202 (e) of the Federal Power Act, as amended, 49 Stat. 847 (16 U. S. C. 824a (e)), requires any person desiring to transmit any electric energy from the United States to a foreign country to obtain an order of the Federal

Power Commission authorizing it to do so; and

WHEREAS section 3 of the Natural Gas Act, 52 Stat. 822 (15 U. S. C. 717b), requires any person desiring to export any natural gas from the United States to a foreign country or to import any natural gas from a foreign country to the United States to obtain an order from the Federal Power Commission authorizing it to do so; and

WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities for the exportation or importation of electric energy and natural gas; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance and signing of permits for such purposes:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Federal Power Commission is hereby designated and empowered to perform the following-described functions:

(1) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country.

(2) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation or importation of natural gas to or from a foreign country.

(3) Upon finding the issuance of the permit to be consistent with the public interest, and, after obtaining the favorable recommendations of the Secretary of State and the Secretary of Defense thereon, to issue to the applicant, as appropriate, a permit for such construction, operation, maintenance, or connection. The Commission shall have the power to attach to the issuance of the permit and to the exercise of the rights granted thereunder such conditions as

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 14: Parts 1-399 (Revised Book) (\$6.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75), Parts 210-899 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 14: Part 400-end (Revised Book) (\$3.75); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Parts 1-699 (\$0.75), Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 38 (\$1.50); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 43 (\$1.50); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00), Part 146-end (\$2.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

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the public interest may in its judgment require.

(b) In any case wherein the Federal Power Commission, the Secretary of State, and the Secretary of Defense can-

not agree as to whether or not a permit should be issued, the Commission shall submit to the President for approval or disapproval the application for a permit with the respective views of the Commission, the Secretary of State and the Secretary of Defense.

SEC. 2. The Chairman or Acting Chairman of the Federal Power Commission is hereby designated and empowered to sign any permits issued by the Federal Power Commission pursuant to section 1 (a) (3) hereof.

SEC. 3. The Federal Power Commission is authorized to issue such rules and regulations, and to prescribe such procedures, as it may from time to time deem necessary or desirable for the exercise of the authority delegated to it by this order.

SEC. 4. All Presidential Permits heretofore issued pursuant to Executive Order No. 8202 of July 13, 1939, and in force at the time of the issuance of this order, and all permits issued hereunder, shall remain in full force and effect until modified or revoked by the President or by the Federal Power Commission.

SEC. 5. Executive Order No. 8202 of July 13, 1939, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

September 3, 1953.

[F. R. Doc. 53-7906; Filed, Sept. 8, 1953; 10:29 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1953 CCC Cottonseed Bulletin 3, Revision 1, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1953 COTTONSEED PRODUCTS PURCHASE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations of Commodity Credit Corporation with respect to the purchase of cottonseed products as a means of supporting the price of 1953-crop cottonseed (1953 CCC Cottonseed Bulletin 3, (18 F. R. 3988, 4875)), are hereby amended by additions to § 643.912 (b), § 643.913 (a) and (d) and by changing paragraph (b) of § 643.914 thereof as follows:

1. Section 643.912 (b) *Source* is amended by adding the words "Revision 1 as amended" to "1953 Cottonseed Bulletin 3" wherever it appears in that paragraph.

2. Section 643.913 (a) *Price* and (d) *Receipts from gins owned by or under same legal entity as the crusher* are amended by adding the words "as

amended" to "1953 Cottonseed Bulletin 2" where it appears in paragraphs (a) and (d) of this section.

3. Section 643.914 (b) is amended to read as follows:

§ 643.914 *Purchase of cottonseed products by CCC.* * * *

(b) *Conditional tenders.* (1) The crusher may condition any tender of cottonseed products under paragraph (a) of this section upon an immediate repurchase by the crusher from CCC of a specified quantity of cake or meal included in such tender, at the current market price of cake or meal as determined by the PMA commodity office. CCC reserves the right to reject any or all such conditional tenders and any acceptance by CCC shall be made within 24 hours after receipt of the tender in the PMA commodity office. CCC may announce from time to time its policy for acceptance or rejection of conditional tenders.

(2) In submitting any tender the crusher may incorporate in the tender an offer to repurchase a specified quantity and quality of linters included in such tender at the applicable price for linters listed in § 643.915 and CCC shall accept such offer to purchase upon its determination that the price contained in the offer to purchase is the applicable price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 2d day of September 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-7825; Filed, Sept. 8, 1953; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, § 6.111 (i) (1) of Schedule A is amended to read as follows:

§ 6.111 *Department of Agriculture.* * * *

(i) *Production and Marketing Administration.* (1) Six Area Directors at a salary equivalent to GS-15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7813; Filed, Sept. 8, 1953; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 2]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 951.316 Tokay Grape Order 2—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 18 F. R. 4902), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such grapes that may be handled during specified allotment periods, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 10, 1953. A reasonable determination as to the supply of, and the demand for, Tokay grapes and the quantities of such grapes likely to be shipped during the current season from vineyards of specified age groups must await development of the crop; the information upon which the recommendations of the Industry Committee are based was not available to said Committee until September 2, 1953; recommendations as to the need for, and the extent of, limitation of the volume of shipments of such grapes were made at the meeting

of said Committee on September 2, 1953, at which time the recommendations and supporting information were transmitted to the Department; shipments of the current crop of such grapes are already underway and are subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.315; 18 F. R. 5119); in order to effectuate the declared policy of the act, the quantity of such grapes to be handled each allotment period during the period September 10-October 15, 1953, should not exceed the equivalent of 414,375 standard packages; it is expected that the volume of shipments of Tokay grapes will exceed such quantity during each such allotment period unless the quantity of such grapes that may be handled is limited; the establishment of the quantities of grapes likely to be shipped is necessary to the operation of the limitation of shipment regulation; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a. m., p. s. t., September 10, 1953, and ending at 12:01 a. m., p. s. t., October 15, 1953;

(i) The shipments of grapes shall be limited in accordance with the provisions of §§ 951.60 through 951.72 of the said amended marketing agreement and said amended order; and

(ii) The total quantity of grapes to be shipped during the allotment period beginning on September 10, 1953, and each allotment period thereafter, is hereby fixed at 414,375 standard packages or the equivalent quantity thereof.

(2) The Industry Committee, in accordance with the provisions of paragraph (a) of § 951.65 Adjustment of allotment of the said amended marketing agreement and order, has established the quantities of grapes likely to be shipped during the current season from mature vineyards and from vineyards from nine years to one year of age, respectively, as follows:

(i) Mature vineyards (ten years of age or older), 250 standard packages;

(ii) Vineyards nine years of age, 225 standard packages;

(iii) Vineyards eight years of age, 200 standard packages;

(iv) Vineyards seven years of age, 175 standard packages;

(v) Vineyards six years of age, 150 standard packages;

(vi) Vineyards five years of age, 125 standard packages;

(vii) Vineyards four years of age, 100 standard packages;

(viii) Vineyards three years of age, 50 standard packages;

(ix) Vineyards less than three years of age, zero.

(3) As used in this section the terms "shipments," "shipped," "handled," "grapes," "allotment period" and "season" shall have the same meaning as when used in said amended marketing agreement and order; and the term "standard packages" shall have the meaning set forth therefor in § 951.103

of the Industry Committee regulations (7 CFR Part 951).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1953.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7892; Filed, Sept. 8, 1953; 9:00 a. m.]

[Lemon Reg. 500, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona. Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.607 (Lemon Regulation 500, 18 F. R. 5163), as amended, are hereby further amended to read as follows:

(i) District 2, 375 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of September 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7828; Filed, Sept. 8, 1953; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6042]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN BILTRITE RUBBER COMPANY, INC.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price Discrimination Under 2 (a): § 3.725 Cumulative quantity discounts and schedules.* In or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, discriminating in price, directly or indirectly, between different purchasers of said products: (1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products; and (2) by selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; prohibited, subject to the provision, however, that the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices, and subject to the further provision that, for the purpose of comparison, the term "price" as used in the order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.) [Cease and desist order, American Biltrite Rubber Company, Inc., Chelsea, Mass., Docket 6042, July 29, 1953.]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

It was disposed of, as announced by the Commission's "Notice", dated August 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,² reads as follows:

It is ordered, That respondent American Biltrite Rubber Company, Inc., a

corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating in price, directly or indirectly, between different purchasers of said products:

(1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products;

(2) By selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; *Provided, however,* That the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 29th day of July, 1953.

Issued August 5, 1953.

By direction of the Commission.²

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7814; Filed, Sept. 8, 1953; 8:49 a. m.]

[Docket 6043]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

B. F. GOODRICH CO.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price Discrimination under 2 (a): § 3.725 Cumulative quantity discounts and schedules.* In or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, discriminating in price (directly or indirectly) between different purchasers of said products: (1) By selling such products of like grade and quality to any purchaser at prices lower than

those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products; and (2) by selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; prohibited, subject to the provision, however, that the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices, and subject to the further provision that, for the purpose of comparison, the term "price" as used in the order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.)

[Cease and desist order, The B. F. Goodrich Company, New York, N. Y., Docket 6043, July 29, 1953.]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

It was disposed of, as announced by the Commission's "Notice", dated August 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,² reads as follows:

It is ordered, That respondent The B. F. Goodrich Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating in price (directly or indirectly), between different purchasers of said products:

1. By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products;

2. By selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; *Provided, however,* That the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by

¹ Filed as part of the original document.

² Commissioner Howrey not participating and Commissioner Mason dissenting.

showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 29th day of July, 1953.

Issued, August 5, 1953.

By direction of the Commission.*

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7815; Filed, Sept. 8, 1953;
8:49 a. m.]

[Docket 6044]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOODYEAR TIRE AND RUBBER CO., INC.

Subpart—Discriminating in price under section 2, Clayton Act as amended—Price Discrimination Under 2 (a): § 3.725 Cumulative quantity discounts and schedules. In or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, discriminating in price (directly or indirectly) between different purchasers of said products: (1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products; and (2) by selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; prohibited, subject to the provision, however, that the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices, and subject to the further provision that, for the purpose of comparison, the term "price" as used in the order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.) [Cease and desist order, Goodyear Tire and Rubber Company, Inc., Akron, Ohio, Docket 6044, July 29, 1953.]

* Commissioner Howrey not participating and Commissioner Mason dissenting.

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

It was disposed of, as announced by the Commission's "Notice", dated August 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,¹ reads as follows:

It is ordered, That respondent, The Goodyear Tire & Rubber Company, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating in price (directly or indirectly) between different purchasers of said products:

(1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products;

(2) By selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers: *Provided, however,* That the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 29th day of July, 1953.

Issued: August 5, 1953.

By direction of the Commission.*

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7816; Filed, Sept. 8, 1953;
8:49 a. m.]

¹ Filed as part of the original document.

[Docket 6045]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

O'SULLIVAN RUBBER CORP.

Subpart—Discriminating in price under section 2, Clayton Act as amended—Price Discrimination Under 2 (a): § 3.725 Cumulative quantity discounts and schedules. In or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and materials used in the shoe repair industry and other products known commercially as findings, in commerce, discriminating in price, directly or indirectly, between different purchasers of said products: (1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products; and (2) by selling in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers; prohibited, subject to the provision, however, that the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices; and subject to the further provision that, for the purpose of comparison, the term "price" as used in the order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.) [Cease and desist order, O'Sullivan Rubber Corporation, Winchester, Va., Docket 6045, July 29, 1953.]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

It was disposed of, as announced by the Commission's "Notice", dated August 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on July 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,¹ reads as follows:

It is ordered, That respondent O'Sullivan Rubber Corporation, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of rubber and composition heels and soles and other supplies and

materials used in the shoe repair industry and other products known commercially as findings, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating in price, directly or indirectly, between different purchasers of said products:

(1) By selling such products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of such products;

(2) By selling, in competition with others, such products of like grade and quality to any purchaser at prices lower than to any other purchasers: *Provided, however,* That the foregoing shall not be construed to preclude respondent from defending absolutely any alleged violation of this provision of the order by showing that none of the products sold at lower prices were resold by the purchaser at the same level of distribution as were the products sold by respondent at higher prices.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates or allowances, volume or otherwise, and other terms and conditions of sale.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 29th day of July, 1953.

Issued: August 5, 1953.

By direction of the Commission.*

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7817; Filed, Sept. 8, 1953;
8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53336]

REDESIGNATIONS AND AMENDMENTS OF CUSTOMS REGULATIONS

The volume now known as "Customs Regulations of 1943" is hereby redesignated "Code of Federal Regulations, Title 19, Chapter I." It may also be cited as "the Customs Regulations."

To conform to changes in law effected by the Customs Simplification Act of 1953 and for other specially indicated reasons, the Code of Federal Regulations, Title 19, Chapter I, is amended as stated hereinafter. The effective date of the Customs Simplification Act of 1953 is September 7, 1953. For this reason it is found that notice and public procedure thereon under 5 U. S. C. 1003 (a) are impracticable and for the same reason the delayed effective date provision of 5 U. S. C. 1003 (c) is being dis-

pensed with. Except as otherwise specially indicated, the authorities for the respective amendments are those cited in 19 CFR Chapter I for the respective sections that are being amended. When a section of the Customs Simplification Act of 1953 is cited herein as an authority for an amendment, it is in addition to the authority already cited for the amended section.

PART 1—CUSTOMS DISTRICTS AND PORTS

1. In view of the delegation of authority to the Secretary of the Treasury announced in T. D. 52943, § 1.1 (c) is amended by substituting "orders of the President or the Secretary of the Treasury" for "Executive orders" in the fourth sentence and by deleting "Executive" from the last sentence.

2. Section 1.4 is amended by substituting "R. S. 251; 19 U. S. C. 66" for "Sec. 523, 46 Stat. 740; 19 U. S. C. 1523" as the authority for the section.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 3—DOCUMENTATION OF VESSELS

1. Note 1, appended to the title of this part, is amended by changing the first line to read "Secs. 102 and 104, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp. Ch. IV):" and by deleting from the note the quoted portions of section 103 of the Reorganization Plan.

2. In view of the independence of the Philippine Islands, § 3.1 (g) is amended by deleting "nor the Philippine Islands".

3. To indicate the correct present title of the agency, and to eliminate obsolete matter, § 3.2 (c) is amended by substituting "Maritime Administration" for "Maritime Commission" in the subdivision designated Class 2 and by deleting the subdivision designated Class 10. The subdivision of § 3.2 (c) designated Class 1 is amended by inserting "See § 3.43." after the second sentence.

4. To conform with a related regulation of the Department of State and for purposes of clarification, § 3.3 (c) (5) is amended to read as follows:

(5) The consular officer will investigate the circumstances surrounding the sale of the vessel and then communicate by dispatch, or by cable at the expense of the applicant, with the Commissioner of Customs through the Department of State, setting forth the results of his investigation; pertinent data regarding the vessel, such as its name, former nationality, rig, and gross and net tonnages; that the bill of sale and certificate on bona fides have been filed with him, giving the names of the vendor and vendee; whether the proposal to have the vessel placed under American registry has the approval of the foreign government concerned, or, if such approval is not required, stating that fact; his opinion as to whether the transfer was made in good faith; and whether it is intended that the vessel will be navigated to the United States on a voyage expected to terminate before the expiration date of the provisional register to be issued.

5. For purposes of clarification, § 3.6 (b) is amended by revising the first two

sentences and intervening parenthetical matter to read as follows: "A register or enrollment shall be valid until a contingency arises requiring its surrender. (See §§ 3.26, 3.27.) A license shall be valid for one year only, but may be renewed or changed at any time during the year for which it is granted."

6. Footnote 6, appended to § 3.6 (b), is deleted.

7. For the purpose of clarification, § 3.10 is amended by changing the period at the end of the first sentence to a comma and adding "except as provided for in § 3.40 with respect to vessels on the northern, northeastern, and northwestern frontiers."

8. Section 3.11 is amended by substituting "or" for "nor" in paragraph (c).

9. Section 3.13 is amended by inserting "a" before "person" in the first sentence of paragraph (f).

10. Section 3.14 (a) is amended by substituting "Except as provided for in § 3.51 (k), marine" for "Marine" at the beginning of the sentence.

11. For the purpose of clarification, § 3.16 (b) is amended to read as follows:

(b) On a so-called "double-end" vessel the required names shall be placed on the parts corresponding to the bow and stern. If either the bow or stern, or both, of any such or other vessel does not afford sufficient space for marking the required name or names, or if the name marked in such a place would be obscured or concealed while the vessel is in operation (for example, by a fender), the names shall be placed on an appropriate adjacent part.

12. To specify the officers who may approve designations of home ports in certain cases and for purposes of clarification, § 3.17 is amended by deleting the first sentence of paragraph (a) and substituting therefor the following: "A vessel's home port" is that port where marine documents may be issued to vessels which have been fixed and determined by the owner with the approval of the Commissioner of Customs, or in special cases with the approval of the collector, assistant collector, or deputy collector in charge of marine work. (See paragraph (e) of this section.)" and by deleting the first sentence of paragraph (h) and substituting therefor the following: "In every case in which the collector is not authorized under this section to grant his approval, that officer shall transmit to the Bureau the original and all copies of the designation required by paragraph (b) of this section. If it is impracticable to establish the complete chain of title by recordable bills of sale, the collector shall inform the Bureau of the facts and circumstances and shall state whether or not he is of the opinion that the applicant has legal title to the vessel."

13. Note 9, appended to § 3.17 (a), is amended by substituting "Secretary of the Treasury" for "Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce (Commissioner of Customs)".

14. Since declarations are to be accepted in lieu of oaths in certain cases and to provide for proof of citizenship

* Commissioner Howrey not participating and Commissioner Mason dissenting.

by derivation, § 3.20 is amended as follows:

a. Paragraph (a) is amended by substituting "any oath, certificate, or declaration" for "the oaths" in the first sentence.

b. Paragraph (b) is amended by inserting immediately after the first sentence the following new sentence: "A derivative citizen shall be required to present either a certificate of naturalization of either parent through whom he derived his own citizenship, together with a birth certificate or other evidence satisfactorily establishing that he was under 21 years of age at the time of his parent's naturalization, or a certificate of derivative citizenship."

c. Paragraph (b) (11) (ii) is amended to read as follows:

(ii) Declarations of fact by parents or relatives; declarations by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish the applicant's citizenship; school records; immigration records; or insurance policies. (R. S. 161, sec. 2, 23 Stat. 118, as amended, R. S. 4142, 4144, 4313; 5 U. S. C. 22, 46 U. S. C. 2, 19, 22, 253.)

d. To insure that necessary information in records of marine documents will be kept current, § 3.22 is amended by redesignating paragraphs (d) and (e) as (e) and (f), respectively, and by inserting a new paragraph to read as follows:

(d) Upon any change in the address of an owner as shown upon a marine document, a prompt report, giving both the old and the new addresses, shall be made to the collector of customs at the vessel's home port and the marine document shall be presented for amendment of the address to any collector of customs at the first opportunity.

15. To require declarations instead of oaths, as authorized by section 17, Customs Simplification Act of 1953, and since no report is required when the master of a licensed yacht is changed, § 3.24 is amended by inserting "or yacht" immediately after "ferryboat" and substituting "a declaration" for "an oath" in the first sentence of paragraph (a), by amending paragraph (b) to read:

(b) If the declaration on Form 1311 is mailed to the collector, it shall be accompanied by the vessel's outstanding marine document.

by substituting "declarations" for "oaths" in the last sentence of paragraph (c), by substituting "declaration" for "oath" in the second sentence of paragraph (e) and the second sentence of paragraph (f), and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

16. Since most customhouses are not now open for marine business on Saturday, § 3.25 (a) is amended by substituting "(exclusive of any day on which the customhouse is not open for marine business)" for "(exclusive of Sunday and holidays)" in the first sentence.

17. To indicate the correct present title of the agency, § 3.26 is amended by

substituting "Maritime Administration" for "United States Maritime Commission" in the last sentence of paragraph (a) and in paragraph (e) and by substituting "MA-" for "C-" in the certificate form prescribed in paragraph (e).

18. For the reason last indicated, § 3.27 (d) is amended by substituting "Maritime Administration" for "United States Maritime Commission".

19. Since the present administrative requirement of an oath is unnecessary, § 3.28 (b) is amended by substituting "a certificate" for "an affidavit".

20. To require declarations instead of oaths, as authorized by section 17, Customs Simplification Act of 1953, § 3.31 is amended by revising the first sentence to read as follows: "When the marine document of any vessel is lost, mutilated, destroyed, or mislaid, the master certifies such fact on customs Form 1305, and the oaths required by § 3.18 are filed at the port of first arrival if that port is the vessel's home port, or the affidavit required by § 3.30 (d) is filed at any other port of first arrival, the collector shall issue a new document, which shall recite the fact that it replaces the one lost, mutilated, destroyed, or mislaid." and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

21. For the purpose of consistency, § 3.32 is amended by substituting "certificate" for "declaration" in paragraph (j).

22. Section 3.33 is amended by deleting "of 1943" from each of the endorsements prescribed respectively in paragraphs (1), (n), and (o).

23. For the purpose of clarification, § 3.41 (a) is amended by substituting "Except as stated in § 3.40 (d), when" for "When" at the beginning of the first sentence.

24. To indicate the correct present title of the agency, § 3.42 (g) is amended by substituting "Maritime Administration" for "Maritime Commission" in the first sentence.

25. As the certificate provided for need not be under seal, § 3.45 is amended by changing the matter below the text in the prescribed form for the certificate to appear as follows:

-----, 19 ----,
Collector of Customs

26. To indicate the correct present title of the agency, to relieve vessel owners of an unnecessary marking and remarking requirement, and to eliminate a statement erroneously indicating that documentation would never be denied because of the impropriety of a name, § 3.51 is amended by substituting "Maritime Administration" for "United States Maritime Commission" in the last sentence of paragraph (c) and by amending paragraph (k) to read as follows:

(k) A vessel which is to be redocumented after being out of documentation shall be redocumented only under the name and official number in which it was last documented. However, if an application for a change in name is submitted simultaneously with an application for the redocumentation of such a vessel and

the vessel is then marked with a name other than that under which it was last documented, and if the collector approves the change in name, he may issue the document in the old name and immediately issue the further document incident to the change in name without requiring that the vessel be marked with the name under which it was previously documented. (R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R. S. 4179, secs. 1-3, 41 Stat. 436, as amended, 437, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50-53.)

27. Note 38, appended to § 3.51 (a), is amended by substituting "Secretary of the Treasury" for "Director of the Bureau of Marine Inspection and Navigation [Commissioner of Customs]" and by deleting "under the direction of the Secretary of Commerce [Commissioner of Customs]".

28. Note 38a, appended to § 3.51 (c), is amended by substituting "Maritime Administration" for "United States Maritime Commission".

29. To indicate the correct present title of the agency, § 3.54 (a) is amended by substituting "Maritime Administration" for "United States Maritime Commission".

30. As the present administrative requirement of oaths is unnecessary, § 3.56 (b) is amended by substituting "written statements" for "affidavits" in the third sentence.

31. As the authority for §§ 3.60 through 3.74 expired July 1, 1953, these sections, the footnotes appended thereto, and the center head preceding § 3.60 are deleted:

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. To eliminate a duplication of matter covered in §§ 10.24 and 10.25, § 4.1 (b) is amended by deleting the last sentence.

2. Footnote 2, appended to § 4.1 (c), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce (Commissioner of Customs)" in the first sentence of the second paragraph.

3. To eliminate the requirement of an oath, as authorized by section 17, Customs Simplification Act of 1953, § 4.2 is amended by changing the period at the end of the first sentence of paragraph (c) to a comma and adding "except that the report need not be under oath." and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

4. Footnote 3, appended to § 4.2 (a), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]" in the first paragraph.

5. Footnote 8, appended to § 4.3 (a), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce (Commissioner of Customs)".

6. To provide in the regulations for the practice established by Marine Circular No. 31, of March 12, 1943, § 4.5 is amended to read as follows:

§ 4.5 *Government vessels.* (a) No report of arrival or entry shall be required for any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel (1) is manned wholly by members of the armed forces of the United States or by personnel in the civil service of the United States and (2) is transporting only property of the United States or passengers traveling on official business of the United States, or is in ballast. However, the master or commander of each such vessel arriving from abroad shall file a declaration as provided for in § 10.24 of this chapter and, if any cargo or passengers are on board, a manifest, in triplicate, which shall include any cargo and a list of any passengers and their baggage, specifying the number and description of the pieces of baggage belonging to each passenger. The original of each manifest required under this paragraph shall be filed with the collector within 48 hours after the arrival of the vessel and a copy shall be mailed or delivered to the comptroller for the port. The other copy shall be made available for use by the discharging inspector at the pier.

(b) The arrival of every vessel owned or controlled and manned as described in paragraph (a) of this section but transporting other property or passengers, and every vessel so owned or controlled but not so manned, whether in ballast or transporting cargo or passengers, shall be reported in accordance with § 4.2 and the vessel shall be entered in accordance with § 4.9.

(c) Every vessel owned by, or under the complete control and management of, any foreign nation shall be exempt from or subject to the laws relating to report of arrival and entry under the same conditions as a vessel owned or controlled by the United States. (Secs. 441 (1), 624, 46 Stat. 712, 759; 19 U. S. C. 1441 (1), 1624.)

7. In view of the amendment of section 439, Tariff Act of 1930, by section 2 (b), Customs Simplification Act of 1953, § 4.7 (b) is amended by substituting "for the district in which the port of entry is located" for "in accordance with section 439, Tariff Act of 1930" in the first sentence. The citation of authority for § 4.7 is amended by adding "sec. 439, 46 Stat. 712, as amended; 19 U. S. C. 1439".

8. Footnote 16, appended to § 4.7 (b), is amended to read as follows:

"Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port or place required to make entry shall mail or deliver to such employee as the Secretary of the Treasury shall designate, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail or deliver to such employee designated by the Secretary a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than \$500." (Tariff Act of 1930, sec. 439, as amended; 19 U. S. C. 1439.)

9. To require certificates instead of oaths, as authorized by section 17, Customs

Simplification Act of 1953, § 4.8 is amended by substituting "a certification in lieu of the oath or affirmation" for "the oath" and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

10. Since the present administrative requirement of oaths is unnecessary and in view of the amendment of section 440, Tariff Act of 1930, by section 2 (c), Customs Simplification Act of 1953, § 4.12 is amended by substituting "certificates" for "affidavits" in the second sentence of paragraph (a), by substituting "a certificate" for "an affidavit" in paragraph (b), and by deleting the period at the end of paragraph (c) and adding "for the district in which the port of entry is located." The citation of section 440, Tariff Act of 1930, as an authority for § 4.12 is amended to read "sec. 440, 46 Stat. 712, as amended; 19 U. S. C. 1440".

11. Footnote 24, appended to § 4.12 (c), is amended to read as follows:

"If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to such employee as the Secretary of the Treasury shall designate and for failure so to do shall be liable to a penalty of \$500." (Tariff Act of 1930, sec. 440, as amended; 19 U. S. C. 1440.)

12. As one of the forms has been abolished and to indicate the correct present designation of the other form, § 4.13 is amended by substituting "foreign service Form 149" for "Form 149—Consular" in paragraphs (a) and (b) and by deleting "or on consular Form 150 if it is impossible to obtain the certificate of a revenue officer," from paragraph (c).

13. In view of the amendment of R. S. 3115 by section 11 (c), Customs Simplification Act of 1953, to indicate the correct present name of the agency, and for purposes of clarification, § 4.14 is amended as follows:

a. Paragraph (a) is amended by changing the period at the end of the first sentence to a comma and adding "as amended."

b. Paragraph (b) is amended by deleting the first sentence and substituting therefor the following:

(b) Entry on customs Form 7535 shall be made for such equipment or repairs and estimated duties deposited or a bond on customs Form 7567 or 7569 given therefor before the vessel shall be allowed clearance, except that—

(1) No entry or bond shall be required with respect to items which the collector is satisfied are clearly within the purview of R. S. 3115 (3), as amended, and

(2) Vessels owned by the United States, although subject to the provisions of section 466, Tariff Act of 1930, as amended, shall be allowed to proceed without such deposit of duties or filing of a bond, if operated by the Maritime Administration or other agency of the United States or if operated under an agreement providing that such an agency shall pay duties accruing under such section 466.

c. Paragraph (f) is amended by substituting "subdivision" for "subparagraph" and inserting "together with" after "master" in the first sentence.

d. Paragraph (g) is amended by substituting "subdivision (2) or (3)" for "subparagraph (2)".

e. The citation of authority for § 4.14 is amended to read "(R. S. 251, R. S. 3114, as amended, R. S. 3115, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 257, 258, 1624.)".

f. Footnote 27, appended to § 4.14 (a), is amended by deleting the comma at the end of subdivision (2) in section 3115 and inserting in lieu thereof "or", by adding immediately below such subdivision (2) the following new subdivision:

(3) That such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;

by inserting "or parts thereof or materials" after "equipments" in the text following the numbered subdivisions of section 3115, and by inserting "as amended" immediately after "466" in the parenthetical matter at the end of the note.

14. Footnote 29, appended to § 4.16 (a), is amended by deleting "jointly" and "the Secretary of Commerce [Commissioner of Customs] and".

15. For purposes of clarification, § 4.17 is amended by inserting "the penalty of" immediately before "forfeiture", by inserting "or such other officer as the Secretary may designate" after "Treasury", and by deleting "sec. 624, 46 Stat. 759" and "19 U. S. C. 1624" from the citation of authority for the section.

16. To substitute a more proper name for the islands, § 4.20 (a) is amended by substituting "West Indies" for "West India Islands".

17. To indicate the present name of the account, § 4.24 (d) is amended by substituting "a deposit fund" for "special deposit" in the second and third sentences.

18. Note 45, appended to § 4.24 (a), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]".

19. Section 4.34 (b) is amended by adding a reference symbol "67a" at the end, and a footnote is appended thereto to read as follows:

"See § 8.4 (h) for the conditions under which such merchandise and goods removed from a port of intended entry under these or certain other circumstances may subsequently be cleared under a consumption entry which had been filed therefor before the merchandise was removed from the port of intended entry.

20. For purposes of clarification, § 4.39 is amended by revising paragraph (a) to read as follows:

(a) The provisions of § 4.30 relating to unloading under a permit on customs Form 3171 are applicable to the unloading of articles, other than cargo or baggage, which have been laden on a vessel outside the customs territory of the United

States, regardless of the trade in which the vessel may be engaged at the time of unloading, except that such provisions do not apply to such articles which have already been entered.

and by substituting "articles other than cargo or baggage" for "such article" in the first sentence of paragraph (b).

21. Section 4.60 (b) (3) is amended by adding at the end thereof "(See § 4.5.)".

22. Note 91, appended to § 4.60 (b) (2), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]".

23. For the purpose of clarification, § 4.62 is amended by substituting "report" for "return".

24. Section 4.63 (a) is amended by substituting "4.75" for "4.74".

25. Note 104, appended to § 4.73 (a), is amended to read as follows:

¹⁰¹ See 18 U. S. C. 961-967 and 22 U. S. C. 441-457.

26. Sections 4.73a and 4.74 are renumbered 4.74 and 4.75, respectively.

27. Renumbered § 4.74 is amended by substituting "(50 U. S. C. App. 2061-2163)" for "(Pub. Law 774, 81st Cong.)".

28. Footnotes 106 and 107, appended to renumbered § 4.75 (a), are amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]" in two places in each note.

29. To eliminate requirements for oaths, as authorized by section 17, Customs Simplification Act of 1953, the last paragraph of § 4.81 is amended by substituting "declaration" for "oath" in both places in which the latter term appears and by amending the authority for the section to read "(R. S. 161, secs. 433, 486, 46 Stat. 711, 725, as amended, sec. 2, 23 Stat. 118, as amended, R. S. 4132, as amended, 4311, 4367, 4368, sec. 27, 41 Stat. 999, as amended; 5 U. S. C. 22, 19 U. S. C. 1433, 1486, 46 U. S. C. 2, 11, 251, 313, 314, 823.)".

30. For purposes of clarification § 4.83 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) A vessel proceeding from or to a port of the United States on the Great Lakes to or from any other port of the United States via the St. Lawrence River shall be registered and shall be subject to the requirements of §§ 4.2 and 4.9 for manifesting cargo, clearance from the port of departure, report of arrival, and entry. No clearance fee shall be collected if it is intended that the vessel will touch at no foreign port other than Montreal and that no business will be transacted at Montreal; nor shall any entry fee or tonnage tax be collected if the vessel did not touch at any foreign port other than Montreal and no business was transacted at Montreal.

b. Paragraph (b) is amended by substituting "subject to the requirements for clearance, report of arrival, or entry" for "required to clear, report its arrival, or make entry".

31. For the purpose of clarification, § 4.84 (d) is amended by substituting "(see 48 U. S. C. 1411), unless such ves-

sel is" for ", as provided for in chapter 8, title 48, United States Code, unless".

32. Section 4.85 (c) is amended by inserting "and" before "lists" in the third sentence.

33. As the number of copies of records of entries and clearances of vessels is a matter of internal administration and may vary with changing conditions, to permit each collector to determine the need for and form of any index to his records of entries and clearances of vessels, and to correct the citation of a statute, § 4.95 is amended by deleting "in duplicate" from the first sentence, by deleting "shall be indexed on customs Form 1404 or 1407 and" from the fourth sentence, and by substituting "section 1 of the Act of August 9, 1950, as amended (50 U. S. C. 191)," for "section 1 of title II of the Act of June 15, 1917 (50 U. S. C. 191), as amended by Public Law No. 679, 81st Congress," in the fourth sentence.

34. Since the present administrative requirement of oaths is unnecessary, § 4.96 (f) is amended by substituting "declarations" for "affidavits" in the second sentence.

35. Note 133, appended to § 4.97 (a), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]" in the proviso.

36. For consistency in style § 4.98 is amended by deleting "R. S. 4381, 4382;" from item 4 of the table of fees in paragraph (a) and by substituting "(44 U. S. C. 326)" for "(R. S. 854)" in the first sentence of paragraph (g) (1).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

1. Since the present administrative requirement of oaths is unnecessary, to eliminate a requirement of an unnecessary copy of the manifest, and in view of the extension of informal entry procedures provided for by other amendments, § 5.1 (b) is amended by revising the first sentence to read as follows: "The manifest shall be filed in original only and shall be certified by the master of the vessel or person in charge of the vehicle." and by substituting "\$250" for "\$100" at the end of the third sentence.

2. To conform to an amendment heretofore made, § 5.3 (a) is amended by substituting "certificate" for "affidavit" in the second sentence.

3. In view of the amendment of paragraph 1798, Tariff Act of 1930, by the Act of October 25, 1949, § 5.5 (a) is amended by substituting "\$200" for "\$100" in the first sentence.

4. To conform with the designation used elsewhere in the customs regulations, §§ 5.8 and 5.9 are amended by substituting "aircraft commander" for "air commander" in the second sentence of § 5.8 (h), in § 5.9 (a), and in the second sentence of § 5.9 (b) and by substituting "aircraft commander's" for "air commander's" in § 5.9 (a).

5. Section 5.12 is amended by inserting the footnote reference "10a" after "required" in the heading and by adding

"sec. 14, 67 Stat. 516; 19 U. S. C. 1322" to the citation of authority for the section.

6. A new footnote is appended to § 5.12 to read as follows:

^{10a} "(a) Vehicles and other instruments of international traffic, of any class specified by the Secretary of the Treasury, shall be granted the customary exceptions from the application of the customs laws to such extent and subject to such terms and conditions as may be prescribed in regulations or instructions of the Secretary of the Treasury." (Tariff Act of 1930, sec. 322 (a), as amended; 19 U. S. C. 1322 (a).)

(P. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

1. To liberalize and clarify documentary requirements, § 7.8 is amended by substituting "\$25" for "\$10" in the fourth sentence of paragraph (a) and by amending paragraph (b) to read as follows:

(b) Invoices certified by the chief customs officer in Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa shall be required in connection with the entry of all dutiable merchandise from those islands in shipments valued at more than \$250, except that no such invoice shall be required for any merchandise which would be exempt under § 8.15 from the requirement of a certified invoice if imported from a foreign country, or when the merchandise is covered by a certificate of origin or of actual importation into the island from which it arrives.

2. To eliminate an obsolete cross reference and to liberalize and clarify documentary requirements, § 7.9 is amended by substituting "\$25" for "\$10" in both places in which the latter amount appears in paragraph (a), by amending paragraph (c) to read as follows:

(c) An invoice certified by the collector or a deputy collector of customs in the Virgin Islands shall be required in connection with the entry of each shipment of dutiable merchandise valued over \$250, except that no such invoice shall be required if the shipment would have been exempt under § 8.15 from the requirement of a certified invoice if it had been imported from a foreign country, or when the merchandise is covered by a certificate of origin provided for in paragraph (a) of this section.

and by deleting "(See § 22.2)" from paragraph (d).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

1. In view of the amendments of sections 321 and 484 (a), Tariff Act of 1930, as amended, by section 13 and 16 (b), Customs Simplification Act of 1953, § 8.3 is amended to read as follows:

§ 8.3 Entry required; exceptions. (a) Entry, as required by section 484 (a), Tariff Act of 1930, as amended,² shall be made of every importation, whether free or dutiable and regardless of value, unless the importation is specifically exempted by statute or regulations from the requirement that it be entered. (See hereafter in this section and §§ 8.52, 9.3 (b), 9.6.)

(b) The collector shall pass free of duty and internal-revenue tax, and without the preparation of an entry, any importation having a value not exceeding \$1, unless he has reason to believe that the shipment is one of several lots covered by a single order or contract and that it was sent separately for the express purpose of securing free entry therefor or of avoiding compliance with any pertinent law or regulation. (See § 10.21 (i).)

(c) The collector shall pass free of duty and internal-revenue tax, and without the preparation of an entry, any article sent as a bona fide gift from a person in a foreign country to a person in the United States, provided the aggregate value of such articles received by one person on one day does not exceed \$10. (Sec. 7, 52 Stat. 1081, as amended; secs. 484 (a), 498, 505, 624, 46 Stat. 722, as amended, 728, as amended, 732, 759; 19 U. S. C. 1321, 1484 (a), 1498, 1505, 1624.)

2. Footnote 2, appended to § 8.3 (a), is deleted.

3. Footnote 3, appended to § 8.3 (a), is redesignated as footnote 2 and amended by substituting "five days" for "forty-eight hours" in the second sentence and by inserting ", as amended" immediately after "sec. 484 (a)" in the citation at the end.

4. In view of the amendments of sections 315 and 484 (f), Tariff Act of 1930, as amended, by section 3, Customs Simplification Act of 1953, § 8.4 is amended to read as follows:

§ 8.4 Making entry or withdrawal; applicable rate of duty; date of importation. (a) Except as provided for in paragraph (c) of this section or in § 8.59, no paper pertaining to the entry of an importation for consumption or for warehousing shall be deposited in the customhouse before the arrival of the merchandise within the limits of the port or station of entry. No entry or withdrawal form required to be presented to a customs entry officer shall be so presented at any time when the customhouse is not open for the general transaction of business, except as provided for in paragraph (b) of this section.

(b) With respect to merchandise for which the rate of duty changes each year on fixed dates, when the last day upon which such merchandise may be entered at a lower rate of duty falls on a Saturday, Sunday, or legal holiday, an entry or withdrawal for consumption may be accepted on such day, provided the entry or withdrawal is tendered at a time when overtime services of the customs officers concerned are reimbursable and the person desiring to make the entry or withdrawal has applied for overtime services in accordance with § 24.16 of this chapter. When the last

day upon which the merchandise may be entered or withdrawn at the lower rate of duty falls on a day when customs offices are open for the general transaction of business, an entry or withdrawal for consumption on such day may be accepted and processed after 5 p. m., provided the person desiring to make the entry or withdrawal has applied for overtime services in accordance with § 24.16 of this chapter.

(c) Except in the case of merchandise subject to a quantitative or tariff-rate quota, collectors are authorized to accept an entry for consumption or for warehousing for the entire quantity of merchandise covered by an entry for immediate transportation after the arrival of any part of such quantity at the port of destination or such other place as may be authorized in accordance with § 18.11 (c) of this chapter.³

(d) Entry is made under an appraisement entry (customs Form 7500), a formal consumption entry (customs Form 7501), a combined entry for re-warehouse and withdrawal for consumption (customs Form 7519), or an informal entry (customs Form 5119 or 5119-A) when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, at the port or station with the customs officer designated to receive such entry papers and any duties or taxes required to be paid at the time of making such entry have been deposited with the customs officer designated to receive such monies. The rate or rates of duty applicable to merchandise entered under any such entry shall be the rate or rates in effect when the making of the entry as stated above is completed, except as provided for in section 315 (a) (2), Tariff Act of 1930, as amended.⁴

(e) Entry is made under an informal mail entry (customs Form 3419, 3420, or 3421) when the preparation of the entry by a customs employee is completed. (See § 9.3 (d).)

(f) Entry is made under a warehouse entry (customs Form 7502) when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, with the customs officer designated to receive such entry papers.

(g) A withdrawal from warehouse for consumption, the process preparatory for the issuance of a permit for the release of the merchandise to or upon the order of the warehouse proprietor, is made when customs Form 7505 is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of withdrawal, with the customs officer designated to receive the withdrawal and any duties or taxes required to be paid at the time of withdrawal have been deposited with the customs officer designated to receive such monies. The rate or rates of duty applicable to merchandise withdrawn from warehouse for consumption

shall be the rate or rates in effect when the making of the withdrawal as stated above is completed.⁵

(h) If merchandise which has been entered for consumption as stated in paragraph (d) of this section is thereafter, and before release from continuous customs custody, removed from the port or place of intended release under any of the circumstances specified in section 315 (b), Tariff Act of 1930, as amended,⁶ and is returned to such port or place within the 90-day period specified in such section 315 (b), such merchandise shall be subject to duty at the rate or rates in effect when the merchandise was entered as above stated, provided the merchandise is identified with the original entry by the usual customs examination and any documentary evidence as to its movement between its removal and return which the collector may reasonably require. If the original entry has not been liquidated and the consignee at the time of original importation and at the time of return is the same person, the merchandise may be cleared through customs under the original entry; otherwise a new entry shall be required.

(i) In the case of articles imported by vessel, the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade shall be deemed the date of importation of those articles as to which there is such intent to unlade. In the case of articles imported otherwise than by vessel, the date on which the articles arrive within the limits of the United States shall be deemed the date of importation. (Secs. 315, 484 (f), 624, 46 Stat. 695, as amended, 723, as amended, 759; 19 U. S. C. 1315, 1484 (f), 1624.)

5. The following new footnotes are appended to § 8.4 (c), (d), (g), and (h), as indicated by the reference symbols in the section:

"(f) * * * in the case of articles not subject to a quantitative or tariff-rate quota, entry for the entire quantity covered by an entry for immediate transportation made under section 552 of this Act may be accepted at the port of entry designated by the consignee, or his agent, in such entry after the arrival of any part of such quantity at such designated port or at such other place of deposit as may be authorized in accordance with regulations prescribed by the Secretary of the Treasury." (Tariff Act of 1930, sec. 484 (f), as amended, 19 U. S. C. 1484 (f).)

"(a) Except as otherwise specially provided for, the rate or rates of duty imposed by or pursuant to this Act or any other law on any article entered for consumption or withdrawn from warehouse for consumption shall be the rate or rates in effect when the documents comprising the entry for consumption or withdrawal from warehouse for consumption and any estimated or liquidated duties then required to be paid have been deposited with the appropriate customs officer in the form and manner prescribed by regulations of the Secretary of the Treasury, except that—

"(2) Any article which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation under section 552 of this Act, if entered for consumption at the port designated

by the consignee, or his agent, in such transportation entry without having been taken into the custody of the collector under section 490 of this Act, shall be subject to the rate or rates in effect when the transportation entry was accepted at the port of original importation." (Tariff Act of 1930, sec. 315 (a), as amended; 19 U. S. C. 1315 (a).)

²⁰ "(b) Any article which has been entered for consumption but which, before release from customs custody, is removed from the port or other place of intended release because of inaccessibility, overcarriage, strike, act of God, or unforeseen contingency, shall be subject to duty at the rate or rates in effect when the entry for consumption and any required duties were deposited in accordance with subsection (a) of this section, but only if the article is returned to such port or place within ninety days after the date of removal and the identity of the article as that covered by the entry is established in accordance with regulations prescribed by the Secretary of the Treasury." (Tariff Act of 1930, sec. 315 (b), as amended; 19 U. S. C. 1315 (b).)

6. In view of the amendment of section 503, Tariff Act of 1930, by section 18 (d), Customs Simplification Act of 1953, § 8.8 (g) is amended by deleting subparagraph (3) and renumbering the following subparagraphs (3) through (7), respectively.

7. Footnote 11, appended to § 8.8 (g), is amended by changing the period at the end of the quoted matter to a semicolon and adding asterisks.

8. In view of the amendment of section 484 (b), Tariff Act of 1930, by section 16 (c), Customs Simplification Act of 1953, § 8.9 is amended to read as follows:

§ 8.9 *Entry without required invoice.* If an invoice required under § 8.15 is not available in proper form at the time of entry, the entry shall be accepted only if—

(a) The collector is satisfied that the failure to produce the required invoice is due to a cause beyond the control of the person for whom the entry is tendered;

(b) Such person or his agent makes a written declaration that he is unable to produce such invoice and (1) files therewith a seller's or shipper's invoice, or (2) if no seller's or shipper's invoice is available, files therewith a statement of the value, or the price paid, in the form of an invoice; and

(c) Such person or his agent gives a bond on customs Form 7551 or 7553, or other appropriate form, for the production of the required invoice within 6 months from the date of entry of the merchandise.²¹ (Secs. 484 (b), 624, 46 Stat. 722, as amended, 759; 19 U. S. C. 1484 (b), 1624.)

9. Footnote 12, appended to § 8.9, is amended to read as follows:

²¹ "The Secretary of the Treasury shall provide by regulation for the production of a certified invoice with respect to such merchandise as he deems advisable and for the terms and conditions under which such merchandise may be permitted entry under the provisions of this section without the production of a certified invoice." (Tariff Act of 1930, sec. 484 (b), as amended; 19 U. S. C. 1484 (b).)

10. For the purpose of clarification and in view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953,

§ 8.11 is amended by substituting "Except as provided for in § 8.12, a customs" for "A customs" at the beginning of paragraph (a) and by substituting "\$250" for "\$100" in the first and second sentences of paragraph (c).

11. For the purposes of clarification and in view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953,

§ 8.13 is amended by inserting "certified" before "invoice" in paragraphs (a) and (b), by deleting paragraph (c) and redesignating the following paragraphs as (c) through (k), respectively, by substituting "\$250" for "\$100" in redesignated paragraph (c), and by amending the list of merchandise and Treasury decisions in redesignated paragraph (h) to read as follows:

Merchandise	Treasury decisions
Beads.....	50088.
Boots, shoes, or other footwear (including athletic or sporting boots and shoes), wholly or in part of leather.	51029.
Braids, plaits, laces, and willow sheets or squares covered by item 1504 (a), Swiss trade agreement (T. D. 48093), and braids and bandings covered by the first item 1529 (a) of such agreement.	49501, 52020, 52114.
Church bells.....	42177.
Copper, articles duitable under Tariff Act of 1930 and containing 4 per centum or more by weight of (including copper in alloy), except articles provided for in par. 316, 380, 381, or 387.	45878, 50158, 51726, 52298, 52740, 53204.
Copper-bearing ores and concentrates and other articles taxable under IRC, sec. 3425.	45878, 50158, 51726, 52298, 52740, 53204.
Cotton fabrics classifiable under par. 903, 904, 905, 918, or 924, Tariff Act of 1930.	49803.
Cotton, raw.....	50045, 50903.
Cotton waste.....	50044.
Dyes, colors, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds.	39566, 39744, 41525.
Earthenware or crockeryware composed of a nonvitrified absorbent body (including white granite and semiporcelain earthenware and cream-colored ware, stoneware, and terra cotta, but not including common brown, gray, red, or yellow earthenware), embossed or plain, common salt-glazed stoneware; stoneware or earthenware crucibles; Rockingham earthenware; china, porcelain, or other vitrified wares, composed of a vitrified nonabsorbent body which when broken shows a vitrified, vitreous, semivitrified, or semivitreous fracture; and bisque or parian wares.	53236.
Fish or fish livers imported in airtight containers.....	50724.
Flax, hemp, and ramie fabrics and articles classifiable under par. 1009, 1010, 1011, 1013, 1014, or 1016, and tablecloths, table scarves, and table doilies classifiable under par. 1023, Tariff Act of 1930.	50083.
Fur products and furs.....	53064.
Glass mirrors framed, measuring over 144 square inches in size.	53231.
Glassware commercially known as plated or cased glass, and articles of every description, not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner; all the foregoing when imported in sets.	53079.
Grain or grain and screenings.....	51284.
Hats, bonnets, and hoods provided for in par. 1504 (b) (1) or (2), Tariff Act of 1930.	52114.
Iron or steel, articles of, provided for in any paragraph enumerated in par. 305, Tariff Act of 1930, and the aluminum and alloys containing aluminum provided for in par. 302 (j) or 374 of the tariff act, except the coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares specified in the last-mentioned paragraph.	53092.
Iron oxide.....	49989, 50107.
Jewelry.....	51676.
Lumber (including sawed timber) planed or dressed on one or more sides.	50498, 51604, 51906.
Lumber, Northern white pine (<i>pinus strobus</i>), Norway pine (<i>pinus resinosa</i>), Western white spruce and Engelmann spruce, for which exemption is claimed from the import tax prescribed by the first sentence of IRC, sec. 3424 (a).	49643 (8), 51604, 51906, 52620.
Machine parts.....	51616.
Madeira embroideries.....	49988.
Matting, articles made from (other than pile mats and pile floor coverings) wholly or in chief value of coca fiber or rattan.	49858.
Metal, articles wholly or in chief value of, provided for under par. 339 or 397, Tariff Act of 1930.	49901.
Needlework tapestries composed of cotton canvas embroidered with wool yarn.	50369.

Merchandise	Treasury decisions
News-reel films.....	44703, 44938.
Oils, or products of such oils, upon which an import tax is imposed by IRC, sec. 2491.	49640.
Paper and paper products (other than books, newspapers, and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process.	53056.
Screenings or scalings of grain or seeds.....	51096, CD 823, TD 51010 (2), CIE 80/44.
Sugar in liquid form, and articles composed in part of beet or cane sugar.	49400.
Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in IRC, sec. 3507.	49867, 50106.
Tobacco.....	44854, 45871, 50520.
Toys.....	49859, 50107, 52160.
Wool products, except wool products made more than 20 years before importation, and carpets, rugs, mats, and upholsteries.	50388, 51019, 52267.

12. A footnote reference "15a" is added at the end of redesignated § 8.13 (g) and the following footnote is appended thereto:

"15a. In all cases in which the invoice or entry does not state the weight, quantity, or measure of the merchandise, the expense of ascertaining the same shall be collected from the consignee before its release from customs custody." (Tariff Act of 1930, sec. 494; 19 U. S. C. 1494.)

13. In view of the amendments of sections 482 (a) and 484 (b), Tariff Act of 1930, by section 16 (a) and (c), Customs Simplification Act of 1953, and to include information concerning the certification of invoices in "No consul" districts, § 8.14 is amended as follows:

a. Paragraph (a) is amended by substituting "required to be certified (see § 8.15), the certification shall be in accordance with section 482 (a), Tariff Act of 1930, as amended." The "re-" for "requiring consular certification in accordance with section 482 (a), Tariff Act of 1930," the "in" in the first sentence.

b. The citation of authority at the end of paragraph (b) is deleted and the following new paragraph is added:

(c) When the place from which the merchandise is shipped has been designated in the "No consul" list by a published Treasury decision and a certified invoice for the merchandise is required by § 8.15, an invoice on foreign service Form 138 or, in lieu thereof, a commercial invoice containing the information required by section 481, Tariff Act of 1930, may be accepted if certified by a consular officer of a nation at the time in amity with the United States. If no such consular officer is available, the invoice shall be executed before a notary public or other officer having an official seal. (Secs. 482, 624, 46 Stat. 720, as amended, 759; 19 U. S. C. 1482, 1624.)

c. Footnote 16, appended to § 8.14 (a), is amended by substituting "required pursuant to section 484 (b) of this act to be certified" for "covering merchandise exceeding \$100 in value" in the first clause and by inserting ", as amended" immediately after the first "(a)" in the parenthetical matter at the end of the footnote.

14. In view of the amendment of section 484 (b), Tariff Act of 1930, by section 16 (c), Customs Simplification Act of 1953, § 8.15 is amended to read as follows:

§ 8.15 *Certified invoices required; exceptions.* (a) Pursuant to the provisions of section 484 (b), Tariff Act of 1930, as amended,¹⁵ a certified invoice is hereby required to be produced in connection with each entry (see § 8.9) of imported merchandise, if such merchandise is not provided for in paragraph (c) of this section and is—

(1) Imported in pursuance of a purchase or agreement to purchase and has an aggregate purchase price, including all expenses incident to placing the goods in condition, packed ready for shipment to the United States, over \$250, as determined by the collector, or

(2) Imported otherwise than in pursuance of a purchase or agreement to purchase and has an aggregate value over \$250, as determined in accordance with § 14.3 of this chapter,

and if such merchandise is—

(1) Subject to a rate of duty dependent in any manner upon its value;

(2) Conditionally free of duty and subject to a rate of duty dependent on value if the free entry conditions are not met, but a certified invoice shall not be required for such merchandise and any obligation for the production of such an invoice shall be canceled if all free entry documents and evidence required to establish the exemption from duty are produced at the time of entry or within the time prescribed for their later production by the pertinent regulations;

(3) Subject by reason of a national emergency to an import permit requirement of which the Bureau has issued a notice;

(4) Coca leaves;

(5) Coffee;

(6) Opium;

(7) Tea;

(8) Wool, including wool on the skins, or hair, of any kind provided for in paragraph 1101 or 1102, Tariff Act of 1930, as amended; or

(9) Seeds subject to the provisions of the Federal Seed Act (see 7 CFR 201.201-201.231 (Appendix XIV, Customs Regulations)) and other seeds for planting purposes. When it is claimed that particular seeds are not subject to this requirement because they are not being imported for planting purposes, the importer shall be required to satisfy the collector that such seeds are in fact not for planting, or, if sufficient proof is not available at the time of entry, to give a bond for the production of a certified invoice. Upon the production within 6

months after the date of entry of evidence satisfactory to the collector to sustain the importer's claim, the bond obligation shall be canceled.

(b) For all imported merchandise for which a certified invoice is not required under the preceding paragraph and which is not provided for in the following paragraph, a commercial invoice prepared in the manner customary for commercial transactions involving articles such as are offered for entry and containing any special data required by § 8.13 (h) shall be produced at the time of entry or within 6 months thereafter (see § 8.9). In lieu of a required commercial invoice, the collector in his discretion may accept a copy thereof made otherwise than by a photostatic process and bearing a declaration of the foreign seller or shipper, or of the importer, that it is a true copy, or a photostatic copy of the required invoice without such a declaration.

(c) No certified or commercial invoice, or bond for the production of either, shall be required in connection with the entry of articles listed hereafter in this paragraph, unless such an invoice is available otherwise than by reason of a customs requirement, but the consignee or owner in each case shall furnish any invoice, memorandum invoice, or bill pertaining to the goods which may be in his possession or available to him or, if no such invoice or bill is available, he shall furnish a pro forma invoice containing an adequate description of the articles, a statement of the quantity thereof, and a statement of their cost or value. The articles subject to the foregoing requirements are as follows:

(1) Articles having an aggregate value, as specified in the first two numbered subdivisions of paragraph (a) of this section, of \$250 or less.

(2) Articles not intended for sale in their imported condition or in any other form and not brought in on commission for any person other than the importer, if the aggregate value determined in accordance with § 14.3 of this chapter does not exceed \$500.

(3) Articles for which an appraisement entry is accepted in accordance with § 8.50.

(4) Articles accompanying a person arriving in the United States and articles declared by such a person upon his arrival as not accompanying him but imported or to be imported in connection with his arrival; all the foregoing which are not intended for sale or any commercial use and are not brought in on commission for any person not included in the declaration.

(5) Household and personal effects of all kinds provided for in paragraph 1632, 1739, 1747, or 1798, Tariff Act of 1930, as amended.

(6) Aircraft, automobiles and other vehicles, boats, horses, and the usual equipment of any of the foregoing, if taken abroad by the owner or his agent for noncommercial use and returned by or for the account of such owner in accordance with the provisions of § 10.42 of this chapter.

(7) Articles sent by persons in foreign countries as gifts to persons in the United States.

(8) Articles entitled to free entry under paragraph 1615 or 1815, Tariff Act of 1930, as amended, or under sections 194 and 195, title 19, United States Code, if the applicable regulations are complied with, or if the articles are entered under § 10.1 (d) of this chapter. (See §§ 10.1 (a), 10.2 (a), 10.66, 10.67, and 25.16 of this chapter.)

(9) Articles returned to the United States after having been exported for repairs or alterations under paragraph 1615 (g), Tariff Act of 1930, as amended.

(10) Articles shipped aboard, not delivered to the consignee, and returned to the United States.

(11) Articles exported from continuous customs custody within 6 months after the date of entry.

(12) Articles consigned to, or entered in the name of, any agency of the United States Government.

(13) Currency and coins, if brought into the United States as mediums of exchange.

(14) Postage and revenue stamps, canceled or uncanceled, and government stamped envelopes or post cards bearing no printing other than the official imprint thereon.

(15) Articles provided for in section 465 or 466, Tariff Act of 1930.

(16) Articles imported as supplies, stores, or equipment of the importing carrier and subsequently made subject to entry pursuant to section 446, Tariff Act of 1930.

(17) Ballast (not including cargo used for ballast) landed from a vessel and delivered for consumption.

(18) Articles from the Virgin Islands, if covered by the certificate of origin provided for in § 7.9 (a); articles from Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa, if covered by the certificate provided for in § 7.8 of this chapter; and articles from the Swan Islands, if covered by the evidence provided for in § 7.10 of this chapter.

(19) Articles accorded free entry as "Philippine articles". See § 16.26 of this chapter.

(20) Articles, whether privileged or nonprivileged, resulting from manipulation or manufacture in a foreign-trade zone.

(21) Archeological articles for exhibition and not for sale, if imported by an institution established for the encouragement of the arts, science, or education.

(22) Corpses.

(23) Screenings contained in bulk importations of grain or seeds.

(24) Articles accorded free entry under paragraph 1631, Tariff Act of 1930.

(25) Public documents accorded free entry under paragraph 1629, Tariff Act of 1930.

(26) Articles entered under paragraph 1607 or 1809, or section 308, Tariff Act of 1930, as amended, except as provided for in the last sentence of § 10.36 (a) of this chapter.

(27) Articles accorded free entry under section 196a, title 19, United States Code.

(28) Racing pigeons.

(29) Rubber, crude.

(3) The following articles when unconditionally free of duty or subject only to a specific rate of duty not depending on value:

(i) Fertilizer and fertilizer materials.

(ii) Fish, shellfish, and fish and shellfish products such as shells, bones, cuttlefish bones, eggs, livers, sounds, fins, skins, tails, cuttings, and waste, but not including fish or fish livers in air-tight containers.

(iii) Flower bulbs.

(iv) Fruits and vegetables in their natural state.

(v) Newspapers and newsreel films.

(vi) Pulpwood. (Secs. 484, 498, 623, 46 Stat. 722, as amended, 728, as amended, 759, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 1484, 1498, 1623, 1624.)

15. A footnote is appended to § 8.15 (a) to read as follows:

"See footnote 12, § 8.9.

16. In view of the amendment of section 487, Tariff Act of 1930, by section 18 (a), Customs Simplification Act of 1953, § 8.16 is amended by deleting "(a)" from the beginning of the present first paragraph, by inserting "as amended," immediately after "1930," in the first sentence of the present first paragraph, by transferring the citation of authority to the end of the present first paragraph and amending such citation by inserting "as amended" immediately after "725" therein, and by deleting paragraph (b).

17. Footnote 19, appended to § 8.16, is amended by deleting "or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisal," and by inserting "as amended;" immediately after "487," in the parenthetical matter at the end of the footnote.

18. In view of the amendment of section 503, Tariff Act of 1930, by section 18 (d), Customs Simplification Act of 1953, § 8.17 and footnote 20 appended thereto are deleted.

19. To dispense with a requirement for an oath, as authorized by section 17, Customs Simplification Act of 1953, § 8.18 is amended by changing the period at the end of paragraph (a) to a comma and adding "except that the declaration need not be under oath." and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

20. In view of the amendment of section 557 (b), Tariff Act of 1930, by section 21, Customs Simplification Act of 1953, § 8.32 (b) is amended to read as follows:

(b) Upon the transfer of the right to withdraw goods from a bonded warehouse, as provided for in section 557 (b), Tariff Act of 1930, as amended (see § 8.39), the transferor and his sureties shall be relieved from all undischarged liability for the payment of duties, taxes imposed upon or by reason of importation, charges, and exaction with respect to the merchandise the subject of the transfer, but shall remain bound by all other obligations of the bond filed by the transferor which are not assumed in the bond filed by the transferee.

21. In view of the amendment of section 557 (b), Tariff Act of 1930, by section 21, Customs Simplification Act of 1953, § 8.33 (c) is amended by substituting "whose right to withdraw the merchandise has been established in accordance with" for "who has filed the bond provided for in" in the second sentence, by deleting the third sentence, and by amending the citation of authority for the section to read "(Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624.)".

22. In view of the amendment of section 557 (b), Tariff Act of 1930, by section 21, Customs Simplification Act of 1953, § 8.35 (b) is amended to read as follows:

(b) In such a case no rewarehouse entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the port of original entry for warehousing, or by a transferee whose right to withdraw the merchandise has been established in accordance with § 8.39. Upon payment of the duties and any taxes in the amounts certified on the withdrawal for transportation to be payable, the collector shall issue a permit for release on customs Form 7519.

23. To indicate the correct present title of the employees, § 8.38 is amended by substituting "customs warehouse officer" for "storekeeper" in both places in which the latter term appears in the second sentence.

24. In view of the amendment of section 557 (b), Tariff Act of 1930, by section 21, Customs Simplification Act of 1953, § 8.39 is amended to read as follows:

§ 8.39 *Withdrawal by transferee.* (a) Except as provided for in paragraph (c) of this section or in § 18.16 (a) of this chapter, a transfer of the right to withdraw merchandise entered for warehousing shall be established by an endorsement made in the space provided therefor on customs Form 7505, authorizing the withdrawal by a designated transferee, and the deposit of the endorsed document, properly executed in all respects, together with a bond of the designated transferee on customs Form 7555 or other appropriate form, with the customs officer designated to receive such document and bond. Such endorsement shall be made by the person primarily liable, immediately before the endorsed document is so deposited, for duties on the merchandise the subject of the transfer, i. e., the person who made the warehouse or rewarehouse entry or a transferee of the withdrawal right of such a person. The transferee's bond shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions.

(b) The endorsed Form 7505 and transferee's bond may be deposited by either the transferor or the transferee.

(c) If the transferor desires to do so, he may endorse Form 7505 to authorize the right to withdraw the merchandise specified thereon but leave the space for

the name of the transferee blank. A holder of a Form 7505 so endorsed and otherwise fully executed may insert his own name in the blank space in the endorsement, deposit such form with his transferee's bond in the customhouse, and thereby establish his right to withdraw the merchandise.

(d) At any time within the warehousing period after compliance with paragraph (a) or (c) of this section, or concurrently with such compliance, a transferee may withdraw all or any part of the merchandise covered by the transfer by filing any authorized kind of withdrawal from warehouse in proper form and otherwise complying with the law and regulations pertinent to the kind of withdrawal filed.

(e) The right of a transferee to withdraw the merchandise may not be revoked by the transferor, but may be retransferred by the transferee. (Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624.)

25. Footnote 35, appended to § 8.39 (a), is amended to read as follows:

"(b) The right to withdraw any merchandise entered in accordance with subsection (a) of this section for the purposes specified in such subsection may be transferred upon compliance with regulations prescribed by the Secretary of the Treasury and upon the filing by the transferee of a bond in such amount and containing such conditions as the Secretary of the Treasury shall prescribe. The bond shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions. Such transfers shall be irrevocable, shall relieve the transferor from all customs liability with respect to obligations assumed by the transferee under the bond herein provided for, and shall confer upon the transferee all rights to the privileges provided for in this section and in sections 562 and 563 of this Act which were vested in the transferor prior to the transfer. The transferee shall also have the right to receive all lawful refunds of moneys paid by him to the United States with respect to the merchandise the subject of the transfer, but shall have no right to file any protest under section 514 of this Act except as to decisions with respect to his rights under subsection (c) of this section or under section 562 or 563 of this Act or against a decision as to the rate or amount of duty, tax, charge, or exaction when such rate or amount has been changed by statute or proclamation on or after the date of the transfer. The transferee shall have no right to file an appeal for reappraisal under section 501 of this Act, except when subsequent to the transfer and before a withdrawal for consumption has been deposited for the merchandise, it has been changed in condition pursuant to the provisions of section 562 or 311 of this Act in a manner which necessitates that it be appraised in its changed condition in order that the correct amount of duties may be assessed. No new or separate liquidation, reliquidation, or determination shall be made in the name of, or on behalf of, a transferee, except with regard to any matter which may arise under subsection (c) of this section or section 562 or 563 of this Act when the transferee has invoked either of these sections, and in the case of a statutory or proclaimed change in the rate of duty, tax, charge, or exaction applicable to the merchandise the subject of the transfer and effective on or after the date of the transfer.

A transferee may further transfer the right to withdraw merchandise, subject to the provisions of this subsection relating to original transfers." (Tariff Act of 1930, sec. 557 (b), as amended; 19 U. S. C. 1557 (b).)

Section 21 (b), Customs Simplification Act of 1953 (67 Stat. 520), provides that the above-quoted provisions of section 557 (b), Tariff Act of 1930, shall be effective with respect to merchandise entered after August 8, 1953, and to merchandise which was entered before that date and is the subject of a transfer within the purview of the amended section 557 (b) and made after August 8, 1953.

26. In view of the amendment of section 321, Tariff Act of 1930, as amended, by section 13, Customs Simplification Act of 1953, § 8.40 (b) is amended by substituting "\$3" for "\$1".

27. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, § 8.42 is deleted.

28. In view of the amendments of paragraphs 391 and 393, Tariff Act of 1930, by section 5 (a) and (b), Customs Simplification Act of 1953, and to eliminate a repetition of matter covered by §§ 8.8 and 8.16 of the regulations, the centerhead preceding § 8.46 is amended by deleting "ZINC AND LEAD-BEARING" and § 8.46 is amended to read as follows:

§ 8.46 *Entry and sampling of ores and crude metals not for smelting in bond.* (a) When ores or crude metals are entered for consumption or warehousing at the port of first arrival, they shall be sampled for assay and moisture purposes in accordance with commercial methods under the supervision of customs officers, as provided for in § 8.48. They shall be transported under bond to the place of sampling if proper sampling facilities are not available at the port of entry.

(b) The sampling and weighing of ores or crude metals at any place other than the port of entry shall be at the expense of the parties in interest. (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

29. To indicate the correct present title of certain employees, in view of the amendments of paragraphs 391 and 393, Tariff Act of 1930, by section 5 (a) and (b), Customs Simplification Act of 1953, and to promote uniformity in the customs treatment of ores and metals, § 8.48 is amended by substituting "customs warehouse officer" for "storekeeper" in the second sentence of paragraph (a), by deleting the first sentence in paragraph (c), by substituting "Where the procedure outlined in paragraphs (a) and (b) of this section" for "Where such procedure" in the present second sentence of paragraph (c), by deleting "in the case of ores and ferroalloys enumerated in paragraph 302, Tariff Act of 1930," from the third sentence of paragraph (f), and by amending the citation of authority for the section to read "(Secs. 312, 624, 46 Stat. 692, 759; 19 U. S. C. 1312, 1624.)".

30. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, and for purposes of clarification, § 8.49 is amended to read as follows:

§ 8.49 *Entry for exportation; exportation of rejected merchandise.* (a) Merchandise in customs custody for which entry has not been completed and merchandise which has remained in continuous customs custody and is covered by an unliquidated consumption entry may be exported under the procedure outlined in §§ 18.25-18.27 of this chapter with refund of any estimated duties paid.

(b) If merchandise has been regularly entered or withdrawn for consumption in good faith and is thereafter found to be prohibited entry under any law of the United States, it may be exported under customs supervision in accordance with §§ 18.25 and 18.26 with refund of any duties that have been paid. (See § 15.5.)

(c) When merchandise to be exported from continuous customs custody is covered by a liquidated consumption entry under which duties have been assessed, the drawback procedure prescribed in §§ 22.27-22.30 of this chapter shall be followed. (Secs. 558, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1558, 1624.)

31. Since the matter in § 8.50 (g) is now covered by § 8.4, § 8.50 is amended by transferring the citation of authority to the end of paragraph (f) and deleting the remainder of paragraph (g).

32. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, and to eliminate matter now covered by § 8.4, § 8.51 is amended by substituting "\$250" for "\$100" in the first and last sentences of paragraph (a) and in the second sentence of paragraph (b), by inserting "or 5119-A" immediately after "5119" in the first sentence of paragraph (a), by substituting "may" for "shall" in the last clause of the first sentence of paragraph (a), by substituting "determine the value of" for "appraise" in the third sentence of paragraph (a), by deleting "(first clause)" from the fourth sentence of paragraph (a), by inserting "as amended," after "1930," in the fourth sentence of paragraph (a), by deleting the fifth sentence of paragraph (a) and inserting in lieu thereof the following: "This form may also be used for the entry of books or other articles imported by a society, institution, school, or library and classifiable under paragraph 1631, Tariff Act of 1930." by inserting "as amended" immediately after "728" in the citation of authority for the section and transferring such citation to the end of paragraph (d), and by deleting the remainder of paragraph (e).

33. Footnote 40, appended to the heading of § 8.51, is amended to read as follows:

"(a) * * * The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

"(1) Merchandise, imported in the mails or otherwise, when the aggregate value of the shipment does not exceed such amount, not greater than \$250, as the Secretary of the Treasury shall specify in the regulations, and the specified amount may vary for different classes or kinds of merchandise or different classes of transactions;

"(4) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

"(7) Tools of trade of a person arriving in the United States;

"(11) Merchandise within the provisions of paragraph 1631 of this Act.

"(b) * * * The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section 494 or 485 of this Act (relating, respectively, to entry and to declaration of merchandise generally)." (Tariff Act of 1930, sec. 498, as amended; 19 U. S. C. 1498.)

34. Footnote 41, appended to § 8.51 (a), is amended by inserting "or 5119-A" after "5119" and by substituting "\$250" for "\$100".

35. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, § 8.52 (b) is amended by substituting "\$250" for "\$100" in the second sentence.

36. In view of the repeal of the Act of June 8, 1896, by section 16 (f), Customs Simplification Act of 1953, §§ 8.53 to 8.58, inclusive, and footnote 43, appended to § 8.53, are deleted.

37. In view of the amendment of section 315, Tariff Act of 1930, as amended, by section 3 (a), Customs Simplification Act of 1953, § 8.59 is amended as follows:
a. Paragraph (e) is amended to read as follows:

(e) If there is available sufficient information as to the quantities and values of the merchandise for a proper estimation of the duties and any taxes which will be payable, there may be deposited with the application for a special permit all the papers, including an entry bond, in proper form for making entry for consumption in accordance with § 8.4 (d), but no deposit of duties or taxes shall be permitted for the shipment until such time as entry could be made therefor in accordance with § 8.4.

b. The second sentence of paragraph (h) is amended to read as follows: "When the transaction has been charged against a term bond, the demand for liquidated damages shall be in the amount that would have accrued if a single entry bond had been given."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

1. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, and for purposes of clarification, § 9.1 (b) is amended by substituting "\$250" for "\$100" in the first sentence, by deleting "consular" from the second sentence, by inserting "of value" after "statement" in the second sentence, and by amending the citation of authority for the section to read "(Secs. 481, 482, 485, 498, 624, 46 Stat. 719, 720, as amended, 724, as amended, 728, as amended, 759; 19 U. S. C. 1481, 1482, 1485, 1498, 1624.)".

2. In view of the amendments of the Tariff Act of 1930 made by sections 3 (a) and 16, Customs Simplification Act of 1953, and to eliminate unnecessary docu-

mentation, § 9.3 is amended by substituting "\$250" for "\$100" in the first sentence of paragraph (a) and in the first sentence of paragraph (b), by substituting "\$25" for "\$10" in the second sentence of paragraph (b), and by deleting paragraph (c) and inserting in lieu thereof two paragraphs to read as follows:

(c) Books or other articles imported in the mails by a society, institution, school, or library and classifiable under paragraph 1631, Tariff Act of 1930, may be cleared through customs under an informal mail entry, regardless of value.

(d) The rate or rates of duty applicable to any article released under an informal mail entry (customs Form 3419, 3420, or 3421) shall be the rate or rates in effect when the preparation of such entry is completed by a customs employee for transmittal with the article to the addressee." (Secs. 201 (par. 1615), 315, 498 (a), 624, 46 Stat. 674, as amended, 695, as amended, 728, as amended, 759; 19 U. S. C. 1201 (par. 1615), 1315, 1498 (a), 1624.)

3. Footnote 4, appended to § 9.3 (a), is amended to read as follows:

"* * * The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

"(1) Merchandise, imported in the mails or otherwise, when the aggregate value of the shipment does not exceed such amount, not greater than \$250, as the Secretary of the Treasury shall specify in the regulations, and the specified amount may vary for different classes or kinds of merchandise or different classes of transactions;

"(11) Merchandise within the provisions of paragraph 1631 of this Act." (Tariff Act of 1930, sec. 498 (a), as amended; 19 U. S. C. 1498 (a).)

4. A new footnote is appended to § 9.3 (d) to read as follows:

"(a) * * * (1) any article released under an informal mail entry shall be subject to duty at the rate or rates in effect when the preparation of the entry is completed; * * * (Tariff Act of 1930, sec. 315 (a) (1), as amended; 19 U. S. C. 1315 (a) (1).)

5. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, § 9.4 is amended by substituting "\$250" for "\$100" in the first and fourth sentences, by substituting "9.3 (c) or 10.20 (b) (3)" for "10.20 (c) (3)" in the first sentence, and by adding "as amended," after "722," in the citation of authority for the section.

6. For the reason last stated, § 9.5 (c) is amended by substituting "\$250" for "\$100" in the fourth sentence.

7. In view of the amendment of section 321, Tariff Act of 1930, as amended, by section 13, Customs Simplification Act of 1953, § 9.6 is amended to read as follows:

§ 9.6 *Importations not over \$1 in value; gifts.* (a) Customs officers shall pass free of duty and internal-revenue tax, without issuing a mail entry therefor, any parcel containing articles the aggregate value of which is not over \$1, unless they have reason to believe that the parcel is one of several lots covered by a single order or contract and that

it was sent separately for the express purpose of securing free entry therefor or of avoiding compliance with a provision of law or regulation."

(b) Customs officers shall pass free of duty and internal-revenue tax, without issuing a mail entry therefor, parcels containing bona fide gifts from persons in foreign countries to persons in the United States, provided the aggregate value of such articles received by one person on one day does not exceed \$10. (Sec. 7, 52 Stat. 1081, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 1321, 1624.)

8. Footnote 6, appended to § 9.6 (a), is amended to read as follows:

"(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

"(2) Admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate value of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

"(A) \$10 in the case of articles sent as bona fide gifts from persons in foreign countries to persons in the United States, or

"(C) \$1 in any other case.

The privilege of this subdivision (2) shall not be granted in any case in which merchandise covered by a single order or contract is forwarded in separate lots to secure the benefits of this subdivision (2)." (Tariff Act of 1930, sec. 321 (a), as amended; 19 U. S. C. 1321 (a).)

9. As the verification of liquidations of informal mail entries by comptrollers of customs is to be discontinued and to eliminate matter pertaining only to internal management, § 9.8 (d) is amended by inserting a period after "paid" in the last sentence and deleting the remainder of that sentence.

10. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, to discontinue unnecessary documentary requirements, and to eliminate an administrative requirement of an oath, § 9.9 is amended by deleting "and under oath" from the first sentence of paragraph (b), by substituting, "regardless of value," for "valued at \$100 or less and" in the second sentence of paragraph (b), by substituting "\$25" for "\$10" in both places where the latter amount appears in the first sentence of paragraph (d), and by substituting "\$250" for "\$100" in both sentences in paragraph (d).

11. For purposes of clarification and to conform with current procedures, § 9.10 (b) is amended by deleting, "with the concurrence of the appraising officer," from the first sentence, by changing the last comma in the first sentence to a period and deleting the remainder of that sentence, and by changing the period at the end of the second sentence to a comma and adding "or if the claim is allowable under section 520 (c) (2), Tariff Act of 1930, as amended."

12. As the citations of statutes and regulations are now obsolete, the first sentence of § 9.12 (c) is amended to read as follows: "Certain viruses, serums, toxins, and other biological products, as

well as organisms and vectors, are subject to import restrictions (see §§ 12.17-12.23 of this chapter)."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. In view of the amendments of the Tariff Act of 1930 made by section 16, Customs Simplification Act of 1953, to indicate the correct designation of the forms, to allow waiver of evidence in certain cases, and to eliminate an unnecessary administrative requirement of an oath, § 10.1 is amended as follows:

a. Paragraph (a) (1) is amended by substituting "foreign service" for "consular" wherever the latter term appears and by substituting "\$250" for "\$100" in the first sentence.

b. Paragraph (a) (3) is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that no such certificate shall be required if the articles are unquestionably products of the United States which have not been advanced in value or improved in condition while abroad and the collector is satisfied by reason of the nature of the articles or otherwise that no drawback of duties or refund or remission of taxes was allowed when the articles were exported from the United States."

c. Paragraph (b) is amended by substituting "\$250" for "\$100" in the first sentence, by inserting "In such a case" at the beginning of the second sentence, and by substituting "\$25" for "\$10" in the last sentence.

d. Paragraph (c) is amended by substituting "a declaration" for "an affidavit" in the first sentence.

e. Footnote 1, appended to § 10.1 (a), is amended by deleting the quoted paragraph (f).

2. To conform to the amendment of § 10.1 (a) (3) and to indicate the correct designation of the forms, § 10.2 is amended by deleting "record evidence of exportation and" from the first sentence of paragraph (a) and by substituting "foreign service" for "consular" wherever the latter term appears in paragraph (a) or (c).

3. In view of the amendment of paragraph 1615, Tariff Act of 1930, by section 7, Customs Simplification Act of 1953, § 10.3 is amended as follows:

a. The second sentence of paragraph (a) is deleted and the following is inserted in lieu thereof: "When it is impracticable, because of the destruction of customs records or other circumstances, to determine whether drawback was allowed, or the amount of drawback allowed, with respect to an article established to be a returned product of the United States which has not been advanced in value or improved in condition while abroad, there shall be assessed on the returned article an amount of duty determined as follows: (1) If there is any likelihood that drawback was allowable on the exportation of like articles at any time when the imported article may have been exported from the United States, the estimated amount of any drawback

which would have been allowable if duty had been paid on any foreign merchandise likely to have been used in the manufacture of the returned article at the rate or rates applicable to such foreign merchandise on the date of importation of the returned article, and (2) if there is any likelihood that a refund or remission of tax was allowed on the exportation of the returned article, the amount of any internal-revenue tax which would be payable at the time of importation if the returned article were wholly of foreign origin, but in no such case shall there be assessed more than an amount equal to the duty and tax that would apply if the returned article were wholly of foreign origin and originally imported. (See § 10.7 (a).)"

b. Paragraph (b) is amended by deleting "and" from the end of subparagraph (2), by redesignating subparagraph (3) as (4), and by inserting a new subparagraph (3) to read as follows:

(3) Any article provided for in paragraph 1615 (f), Tariff Act of 1930, as amended, with respect to which the Commissioner of Customs has determined that the collection of duty under such paragraph 1615 (f) would involve an expense and inconvenience to the Government disproportionate to the probable amount of such duty; and

c. Footnote 2, appended to § 10.3 (a), is amended by adding to the quoted matter the following sentence:

When because of the destruction of customs records or for other cause it is impracticable to establish whether drawback was allowed, or to determine the amount of drawback allowed, on a reimported article excepted under subparagraph (e), there shall be assessed thereon an amount of duty equal to the estimated drawback and internal-revenue tax which would be allowable or refundable if the imported merchandise used in the manufacture or production of the reimported article were dutiable or taxable at the rate applicable to such merchandise on the date of importation, but in no case more than the duty and tax that would apply if the article were originally imported. In order to facilitate the ascertainment and collection of the duty provided for in this subparagraph, the Secretary of the Treasury is authorized to ascertain and specify the amounts of duty equal to drawback or internal-revenue tax which shall be applied to articles or classes or kinds of articles, and to exempt from the assessment of duty articles or classes or kinds of articles excepted under subparagraph (e) with respect to which the collection of such duty involves expense and inconvenience to the Government which is disproportionate to the probable amount of such duty.

4. To indicate the correct designation of a form and to eliminate an unnecessary administrative requirement of an oath, § 10.6 is amended by substituting "foreign service" for "consular" in the first sentence of paragraph (a) and by substituting "a declaration" for "an affidavit" in paragraph (e).

5. To eliminate an unnecessary administrative requirement of an oath, § 10.7 (b) is amended by substituting "a declaration" for "an affidavit" in the first sentence.

6. For purposes of clarification, to simplify administrative procedures, in view of the amendments of the Tariff Act of

1930 made by section 16, Customs Simplification Act of 1953, and to liberalize a provision for waiver of compliance with a regulation requirement, § 10.8 is amended as follows:

a. Paragraphs (b), (c), and (d) are amended to read as follows:

(b) Before the exportation of any article to be subject on return to the United States to duty on the value of repairs or alterations made abroad, as provided for in paragraph 1615 (g), a declaration and application in duplicate on customs Form 4455 shall be filed by the owner or exporter with the collector of customs or appraiser of merchandise at a time before the departure of the exporting conveyance which will permit an examination of the article.

(c) The applicant shall be notified on customs Form 4455 of the place to which he shall deliver the article for examination. All expense in connection with the delivery of the article, cording, sealing, marking, and transfer to the exporting conveyance shall be borne by the exporter. The exportation of the article shall be under customs supervision, except in the case of exportation by mail of any article identifiable by the manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by the customs examining officer.

(d) When the reports of the customs officers showing the examination of the article and its lading on the exporting conveyance or delivery for mailing have been endorsed on the Form 4455 covering the article the duplicate copy of such form shall be delivered to the exporter, and the original shall be filed in the collector's office.

b. Paragraph (e) is amended by changing the last comma therein to a period and deleting the remainder of the sentence.

c. Paragraph (f) is amended by substituting "\$250" for "\$100" and "a bill or statement" for "an invoice" in the first sentence and by substituting "bill or statement" for "invoice, whether or not required to be certified by an American consul," in the second sentence.

d. The second sentence of paragraph (g) is amended to read as follows: "In any case where an imported article was exported for repair or alteration without compliance with the registration requirements of this section, the collector may waive compliance with such requirements if he is satisfied that the imported article is one which was exported for repair or alteration, that proper evidence of the nature and cost or value of the repair or alteration has been furnished, and that the failure to comply with the registration requirements was due to inadvertence, mistake, or inexperience, and not to negligence or bad faith."

e. Paragraph (h) is amended by substituting "\$250" for "\$100" and by deleting "in lieu of a certified consular invoice".

f. Paragraph (i) is amended by substituting "be examined" for "the appraiser's stores".

g. The citation of authority for the section is amended by inserting "as amended," after "674,".

7. In view of the amendment of paragraph 1607 and section 498, Tariff Act of 1930, by sections 10 (g) and 16 (d), Customs Simplification Act of 1953, § 10.13 is amended by substituting "1607 (a), Tariff Act of 1930, as amended," for "1607, Tariff Act of 1930," in paragraph (a) and by substituting "\$250" for "\$100" in paragraph (b).

8. Footnote 13, appended to § 10.13 (a), is amended by substituting "(a) Teams" for " * * * teams", by deleting the semicolon and asterisks at the end of the quotation, and by inserting "as amended" after the first "1607" in the parenthetical matter at the end of the note.

9. In view of the amendments of paragraphs 1747 and 1798, Tariff Act of 1930, by sections 8 and 10 (h), Customs Simplification Act of 1953, § 10.15 is amended by deleting "the first clause of" from the first sentence and by substituting "paragraph 1798 (a)" for "the second proviso to paragraph 1798" in the first sentence and for "the said second proviso to paragraph 1798" in the second sentence.

10. Footnote 16, appended to § 10.15, is amended by changing the semicolon to a period and deleting the asterisks at the end of the quoted matter.

11. Footnote 18, appended to § 10.15, is amended by revising the first paragraph thereof to read as follows:

"(a) Professional books, implements, instruments, and tools of trade, occupation, or employment, when imported by or for the account of any person arriving in the United States by whom or for whose account they were taken abroad." (Tariff Act of 1930, par. 1798 (a), as amended (free list); 19 U. S. C. 1201, par. 1798 (a).)

12. In view of the amendment of paragraph 1798, Tariff Act of 1930, as amended, by section 8, Customs Simplification Act of 1953, and for purposes of clarification, § 10.17 is amended as follows:

a. Paragraph (a) is amended by substituting "paragraph 1798 (c) (1) and (f)," for "the second and last provisos to paragraph 1798," in the first sentence.

b. Paragraph (b) is amended by substituting "paragraph 1798 (c) (2) and (f)," for "the third, seventh, and tenth provisos to paragraph 1798," in the first sentence.

c. Paragraph (c) is amended by adding "(See § 8.3 (c) of this chapter as to gift shipments valued not over \$10.)" at the end thereof.

d. Paragraph (d) is amended by substituting "alcoholic beverages" for "distilled spirits, wines, and malt liquors" in the first sentence and for "distilled spirits, wines, malt liquors," in the third sentence.

e. Paragraphs (l) and (m) are amended to read as follows:

(l) *Replacements.* An article furnished by a foreign supplier to replace a like article of comparable value previously exempted from duty under paragraph 1798 (c), Tariff Act of 1930, as amended, shall be allowed free entry if the article previously exempted is found by the importer to be unsatisfactory and is returned to customs custody and ex-

ported under customs supervision at the expense of the importer within 60 days after its importation.^{22a} The requirement that the original article be exported under customs supervision does not apply when a duplicate article is furnished by a foreign supplier as a replacement for an article declared for entry under the \$200 or \$300 exemption and found by the customs inspector or other examining officer to be so damaged as to constitute a nonimportation (§ 15.10 of this chapter). In such a case the duplicate replacement shall be considered to have been acquired abroad for the purposes of the \$200 or \$300 exemption provision, provided no charge is made to the importer for such article.

(m) *Sale.* An article brought in under the \$200 exemption and subsequently sold is not dutiable or subject to forfeiture by reason of the sale thereof, if the returning resident actually acquired and imported the article for his bona fide household or personal use and not for sale. If any article admitted free of duty under the \$300 exemption is sold within 3 years after the date of its importation without prior payment to the collector of customs at the port of importation of the duty which would have been payable at the time of entry if the article had been entered without the benefit of paragraph 1798 (c) (2) (B), Tariff Act of 1930, as amended, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be a basis for any liability for duty or forfeiture under paragraph 1798 (g), Tariff Act of 1930, as amended.²² (Sec. 201, par. 1798, 46 Stat. 683, as amended; 19 U. S. C. 1201 (par. 1798).)

f. Footnote 21, appended to section 10.17 (a), is amended to read as follows:

"(c) In the case of any person arriving in the United States who is a returning resident thereof—

"(1) All personal and household effects taken abroad by him or for his account and brought back by him or for his account;

"(f) All articles exempted by this paragraph from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

g. Footnote 22, appended to § 10.17 (b), is amended to read as follows:

"(c) In the case of any person arriving in the United States who is a returning resident thereof—

"(2) Articles (including not more than one wine gallon of alcoholic beverages and not more than 100 cigars) acquired abroad as an incident of the journey from which he is returning, for his personal or household use, but not imported for the account of any other person nor intended for sale, if declared in accordance with regulations of the Secretary of the Treasury, up to but not exceeding in aggregate value—

"(A) \$200, if such person arrives from a contiguous country which maintains a free zone or free port (see subparagraph (d) [footnote 24, sec. 10.17 (g)]), or arrives from

any other country after having remained beyond the territorial limits of the United States for a period of not less than forty-eight hours, and in either case has not claimed an exemption under this subdivision (A) within the thirty days immediately preceding his arrival; and

"(B) \$300 in addition, if such person has remained beyond the territorial limits of the United States for a period of not less than twelve days and has not claimed an exemption under this subdivision (B) within the six months immediately preceding his arrival.

"(f) All articles exempted by this paragraph from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

h. Footnote 24, appended to § 10.17 (g), is amended by substituting the following for the quoted provisions of paragraph 1798:

"(d) In the case of persons arriving from a contiguous country which maintains a free zone or free port, if the Secretary of the Treasury deems it necessary in the public interest and to facilitate enforcement of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey, he shall prescribe by regulation or instruction, the application of which may be restricted to one or more ports of entry, that the [§200] exemption authorized by subdivision (2) (A) of subparagraph (c) shall be allowed only to residents who have remained beyond the territorial limits of the United States for not less than a specified period, not to exceed twenty-four hours, and after the expiration of ninety days after the date of such regulation or instruction allowance of the said exemption shall be subject to the limitations so prescribed." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

i. Footnote 25, appended to § 10.17 (h), is amended to read as follows:

"See footnote 22, appended to § 10.17 (b).

j. A new footnote is appended to § 10.17 (l) to read as follows:

"(e) Any article imported to replace a like article of comparable value previously exempted from duty under subdivision (c) of this paragraph shall be allowed free entry if the article previously exempted shall have been exported, under such supervision as the Secretary may prescribe, within sixty days after its importation because it was found by the importer to be unsatisfactory." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

k. Footnote 26, appended to § 10.17 (m), is amended to read as follows:

"(g) If * * * any article which has been exempted from duty under subdivision (2) (B) of subparagraph (c) is sold within three years after the date of importation * * * without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of this paragraph, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the

provisions of this subparagraph." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

13. In view of the amendment of paragraph 1798, Tariff Act of 1930, by section 8, Customs Simplification Act of 1953 § 10.18 is amended to read as follows:

§ 10.18 Exemptions for nonresidents—
(a) *Personal effects.* A nonresident (including any resident who is not returning), regardless of age, arriving in the United States is entitled under paragraph 1798 (b) (1), Tariff Act of 1930, as amended,²¹ to entry free of duty and internal-revenue tax for his wearing apparel, articles of personal adornment, toilet articles, and similar personal effects. This exemption applies only to articles which were actually owned by the nonresident and in his possession abroad at the time of, or prior to, his departure for the United States and which are appropriate for his own personal use and intended only for such use and not for any other person nor for sale. "Similar personal effects" include all articles intended and appropriate for the personal use of the nonresident while traveling, such as hunting and fishing equipment, wheelchairs for invalids or crippled persons, pet and hunting dogs, and the like. Articles to be given by the importer to another person are not free under paragraph 1798 (b) (1).

(b) *Vehicles.* Nonresidents are entitled under paragraph 1798 (b) (2), Tariff Act of 1930, as amended,²² to entry free of duty and internal-revenue tax for automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing, if imported in connection with the arrival of the nonresident and to be used in the United States only for the transportation of such nonresident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.

(c) *Articles carried through the United States.*²³ A nonresident who is in transit to a place outside United States customs territory may take with him through the United States for carriage to such place, without the payment of duty or internal-revenue tax, articles not exceeding \$200 in aggregate value which are not entitled to free entry under paragraph (a) of this section.

(d) *Sale.* If any jewelry or similar articles of personal adornment having a value of \$300 or more which have been exempted from duty under paragraph 1798 (b) (1), Tariff Act of 1930, as amended, are sold within 3 years after the date of importation, or if any article which has been exempted from duty under paragraph 1798 (b) (2), Tariff Act of 1930, as amended, is sold within 1 year after the date of importation, without prior payment to the collector of customs at the port of importation of the duty which would have been payable at the time of entry if the article had been entered without the benefit of the said paragraph 1798 (b) (1) or (2), such article, or its value (to be recovered from the importer), shall be subject to forfeiture in accordance with the provisions

of paragraph 1798 (g), Tariff Act of 1930, as amended.²⁴ A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not a basis for any liability for duty or forfeiture under such provisions.

(e) *Tobacco products and alcoholic beverages.* Fifty cigars, or 300 cigarettes, or 3 pounds of manufactured tobacco, and not exceeding 1 quart of alcoholic beverages, when brought in by an adult nonresident and not to be given to another person nor for sale or other commercial use, may be passed free of duty and internal-revenue tax. The exemption for tobacco products may be applied proportionately; for example, to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes, and 1 pound of manufactured tobacco. The exemption for alcoholic beverages may be applied to more than one kind but not to an aggregate of more than 1 quart for one person. (Sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U. S. C. 1201 (par. 1798).)

14. Footnotes 27 and 28 and new footnotes 28a and 28b, all appended to section 10.18, shall read as follows:

"(b) In the case of any person arriving in the United States who is not a returning resident thereof—

"(1) Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects; all the foregoing, if actually owned by and in the possession of such person abroad at the time of or prior to his departure for the United States, and if appropriate for his own personal use and intended only for such use and not for any other person nor for sale; * * * (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

"(b) In the case of any person arriving in the United States who is not a returning resident thereof—

"(2) Automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation, and the usual equipment accompanying the foregoing; any of the foregoing imported in connection with the arrival of such person and to be used in the United States only for the transportation of such person, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance; * * * (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

"(b) In the case of any person arriving in the United States who is not a returning resident thereof—

"(3) Not exceeding \$200 in value of articles accompanying such a person who is in transit to a place outside United States customs territory and who will take the articles with him to such place." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

"(g) If any jewelry or similar articles of personal adornment having a value of \$300 or more which have been exempted from duty under subdivision (1) of subparagraph (b) * * * is sold within three years after the date of importation, or if any article which has been exempted from duty under subdivision (2) of subparagraph (b) is sold within one year after the date of importation, without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of this paragraph, such article, or its value (to be

recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this subparagraph." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

15. In view of the amendment of paragraph 1798, Tariff Act of 1930, by section 8, Customs Simplification Act of 1953, and for purposes of clarification, § 10.19 is amended by substituting "paragraph 1798 (b) (1) or (3), Tariff Act of 1930, as amended," for "the first clause of paragraph 1798," and "10.17 (a)" for "10.17 (b)" in paragraph (b), by substituting "paragraph 1798 (b), as amended," for "the first clause of paragraph 1798," and "paragraph 1798 (a) or (c) (1)" for "the second proviso to paragraph 1798" in the second sentence of paragraph (c) (1), by substituting "appropriate customs" for "appraising," in the last sentence of paragraph (f), by substituting "paragraph 1798 (a) or (c) (1), as amended," for "the second proviso to paragraph 1798" in the second sentence of paragraph (i), and by substituting "(b)" for "(c)" in the parenthetical matter at the end of paragraph (j) (1).

16. In view of the amendment of paragraph 1798, Tariff Act of 1930, by section 8, Customs Simplification Act of 1953, § 10.20 (a) is amended by substituting "paragraph 1798 (a), (b) or (c) (1)," for "the first clause of paragraph 1798 or the second proviso to paragraph 1798," and "paragraph 1798 (a) or (c) (1), as amended," for "the said second proviso to paragraph 1798," in the first sentence.

17. In view of the amendments of the Tariff Act of 1930 by sections 13 and 16, Customs Simplification Act of 1953, § 10.21 is amended as follows:

a. Paragraphs (c) and (e) are amended by substituting "\$250" for "\$100" in each paragraph.

b. Paragraph (i) is amended to read as follows:

(i) The exemption from duty contemplated by section 321 (a) (2) (B), Tariff Act of 1930, as amended,²⁵ may be applied to any articles accompanying, and for the personal or household use (not including any business or commercial use of any kind) of, any person arriving in the United States who is not entitled to any exemption under paragraph 1798 (c) (2), Tariff Act of 1930, as amended, except that such exemption under section 321 (a) (2) (B) shall not be applied to any article subject to internal-revenue tax other than cigarettes not in excess of 50, cigars not in excess of 10, manufactured tobacco not in excess of ½ pound, alcoholic beverages not in excess of 4 ounces, or alcoholic perfumery not in excess of 4 ounces. Family grouping of this \$10 exemption shall not be allowed.

c. Paragraph (m) is amended by substituting, "10.18 (e) or paragraph (i) of this section" for "or 10.18 (c)".

d. The citation of authority for § 10.21 is revised to read "(Sec. 201 (par. 1798), 46 Stat. 683, as amended, sec. 7, 52 Stat. 1081, as amended, secs. 493, 624, 46 Stat.

728, as amended, 759; 19 U. S. C. 1201 (par. 1798), 1321, 1498, 1624.)"

e. Footnote 31, appended to § 10.21 (i), is amended to read as follows:

"(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

"(2) Admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate value of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

"(B) \$10 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty or tax under paragraph 1798 (c) (2) of this Act, * * * (Tariff Act of 1930, sec. 321, as amended; 19 U. S. C. 1321.)

18. For purposes of clarification, § 10.24 is amended by changing the heading to "Government vessels," and by substituting "any vessel operated directly by the United States or any agency thereof" for "an American naval vessel" in the first sentence of paragraph (a).

19. Section 10.25 (a) is amended by deleting ", as provided for in § 4.5" from the first sentence.

20. In view of the amendment of paragraph 1798, Tariff Act of 1930, by section 8, Customs Simplification Act of 1953, and for purposes of clarification, § 10.26 is amended by substituting "paragraph 1798 (a) or (c) (1)," for "the second proviso to paragraph 1798," in the second sentence of paragraph (b), by substituting "paragraph 1798 (a), (b) (1), or (b) (2), as amended" for "the first provision of paragraph 1798 of the tariff act, as amended, and professional books, implements, instruments, and tools of trade, occupation, or employment provided for in the second provision of the second proviso to paragraph 1798, as amended" in the third sentence of paragraph (b), by substituting "armed forces" for "Army, Navy, or Marine Corps" wherever the latter term appears in paragraph (d) or (e), and by substituting "paragraph 1798 (a) or (c) (1)," for "the second proviso to paragraph 1798," in the last sentence of paragraph (d).

21. For purposes of clarification and to simplify administrative procedure, § 10.28 (a) is amended to read as follows:

(a) Any person who intends to take valuable effects of foreign origin or plumage abroad may make an application, before his departure from the United States, to a collector of customs or appraiser of merchandise on customs Form 4455 in duplicate for the registration of such articles to facilitate their identification on return. The applicant shall be notified on the Form 4455 of the place to which the articles shall be delivered for examination. After the articles have been examined and the certificate on the Form 4455 has been executed, the duplicate copy of the form shall be delivered to the applicant for use on return, and the original shall be filed in the collector's office. The applicant's copy of the form shall be presented to the customs officer who handles the

clearance of the articles when they are returned to the United States if any question then arises as to the duty-free or admissible status of the articles.

22. Section 10.29 (d) is amended by changing the section number at the end of the last sentence to "10.17 (d)".

23. Section 10.30c is amended by substituting "section 196a, title 19, United States Code," for "section 1 of Public Law 271, 81st Congress," and by deleting the superfluous language "including taxes imposed by sections 3350 and 3360 of the Internal Revenue Code," from paragraph (a), by substituting "the said section 196a" for "section 1 of Public Law 271" in paragraphs (b), (c), and (d), and by substituting "thereunder" for "under section 1" in paragraph (b).

24. The centerhead preceding § 10.31 is amended to read "Temporary Importations under bond".

25. In view of the revisions of the Tariff Act of 1930 effected by section 10, Customs Simplification Act of 1953, § 10.31 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under section 308, Tariff Act of 1930, as amended, shall be made in duplicate on customs Form 7501, except that, when § 10.36 is applicable or the aggregate value of the articles is not over \$250, the form prescribed for the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond entry (1) the subdivision of section 308 under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the collector to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale, or sale on approval.

b. Paragraph (c) is amended by inserting "on customs Form 7563" after "given" in the first sentence, by deleting the second sentence, and by substituting "deposit fund" for "special deposit" in the next to last sentence.

c. Paragraph (d) is amended by revising the first sentence to read as follows: "Claim for free entry under such section 308 may be made for articles of any character described therein which have been previously entered under any other provision of law and the entry amended accordingly upon compliance with the requirements of this section, provided the articles have not been released from customs custody, but the 1-year period shall be computed from the date of importation."

d. Paragraph (e) is amended to read as follows:

(e) After the entry and bond have been accepted, the articles may be released to the importer. The entry shall be liquidated free of duty, but at the time of such liquidation the amount of duties which would have accrued if the

bond had not been given shall be ascertained and noted on the entry for use in connection with the consideration of any petition for relief from the payment of liquidated damages. (Sec. 308, 46 Stat. 690, as amended, 19 U. S. C. 1308.)

e. Footnote 34, appended to § 10.31 (a), is amended to read as follows:

"The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty, under bond for their exportation within one year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial one year, shall not exceed a total of three years:

"(1) Articles to be repaired, altered, or otherwise changed in condition by processes which do not result in articles manufactured or produced in the United States;

"(2) Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishment, and not for sale;

"(3) Samples (but not including photo-engraved printing plates imported to be reproduced) solely for use in taking orders for merchandise, or for examination with a view to reproduction;

"(4) Articles intended solely for testing, experimental, or review purposes, including plans, specifications, drawings, blueprints, photographs, and similar articles for use in connection with experiments or for study, and upon satisfactory proof that any such article has been destroyed because of its use for any such purpose the obligation under such bond to export such article shall be treated as satisfied;

"(5) Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests;

"(6) Locomotives and other railroad equipment brought temporarily into the United States for use in clearing obstructions, fighting fires, or making emergency repairs on railroads within the United States, or for use in transportation otherwise than in international traffic when the Secretary of the Treasury finds that the temporary use of foreign railroad equipment is necessary to meet an emergency;

"(7) Containers for compressed gases, filled or empty, and containers or other articles in use for covering or holding merchandise (including personal or household effects) during transportation and suitable for reuse for that purpose;

"(8) Articles imported by illustrators and photographers for use solely as models in their own establishments, in the illustrating of catalogues, pamphlets, or advertising matter;

"(9) Professional equipment, tools of trade, and camping equipment imported for their own use by nonresidents sojourning temporarily in the United States, and articles of special design for temporary use exclusively in connection with the manufacture or production of articles for export;

"(10) Animals and poultry brought into the United States for the purpose of breeding, exhibition, or competition for prizes, and the usual equipment therefor;

"(11) Theatrical scenery, properties, and apparel brought into the United States by proprietors or managers of theatrical exhibitions arriving from abroad for temporary use by them in such exhibitions; and

"(12) Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought into the United States by professional artists, lecturers, or scientists arriving from abroad for use by them for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States." (Tariff Act of 1930, sec. 308, as amended; 19 U. S. C. 1308.)

26. Since the provision of law transferred from paragraph 1607 to section 308, Tariff Act of 1930, by section 10 of the Customs Simplification Act of 1953 is adequately covered by § 10.31, § 10.32 and footnote 35 appended thereto are deleted.

27. To conform the regulation with the pertinent statute, § 10.33 is amended by substituting "properties" for "effects" in paragraph (b), by substituting "apparel" for "effects" in paragraph (c), and by amending the citation of authority for the section to read "(Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1303.)".

28. In view of the transfer of the provisions of paragraph 1808 to section 308, Tariff Act of 1930, by section 10, Customs Simplification Act of 1953, § 10.34 is amended by substituting "section 308 (12), Tariff Act of 1930, as amended," for "paragraph 1808, Tariff Act of 1930," and by amending the citation of authority for the section to read "(Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1308.)".

29. In view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, § 10.37 is amended to read as follows:

§ 10.37 *Extension of bonds.* A bond given to assure the exportation of a temporary importation entered under section 308, Tariff Act of 1930, as amended, may be extended for not more than two further periods of 1 year each, or such shorter period as may be appropriate, by the collector of customs at the port where the entry was filed, upon written application to such collector on customs Form 3173, provided the articles have not been exported or duly destroyed before the receipt of the application by the collector, and provided liquidated damages have not been assessed under the bond before such receipt. (Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1308.)

30. In view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, § 10.38 (a) is amended by substituting "a temporary importation" for "6-months" in the first sentence.

31. In view of the revision of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, and to correct an error, § 10.39 is amended as follows:

a. Paragraph (a) is amended by deleting "paragraph 1607, 1747, or 1808, or" and by inserting "as amended," immediately after "1930," in the first sentence.

b. Paragraph (b) is amended by substituting "landing" for "lading" in the second sentence.

c. The first sentence of paragraph (d) is amended by inserting "entered under section 308, Tariff Act of 1930, as amended," immediately after "If any article" and by deleting "(1) collect the duties

found due on such article, if entered under paragraph 1747 or 1808; or (2) if the article was entered under paragraph 1607 or section 308 of the tariff act, as amended."

d. Paragraph (e) is amended by deleting "or \$2,000 in the case of articles entered under section 308 (5)," and "paragraph 1607 or" from the part of the second sentence preceding the colon, by deleting "the article was entered under section 308 (1) or (5) and" from subparagraph (1), and by substituting "Upon" for "In any case involving articles entered under paragraph 1607 or section 308, upon" in subparagraph (4).

e. Paragraph (f) is amended by deleting "or \$2,000 in the case of articles entered under section 308 (5)," and by deleting "paragraph 1607 or".

f. The citation of authority for the section is amended to read "(Sec. 308, 623, 46 Stat. 690, as amended, 759, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 1308, 1623, 1624.)".

32. To correct the heading, to indicate the present name of the account, and in view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, § 10.40 is amended by substituting "cash" for "special" in the heading, by substituting "deposit fund" for "special deposit" in paragraph (a), by deleting the first two sentences of paragraph (b), by deleting "paragraph 1607 or" and "so" from the present third sentence of paragraph (b), and by inserting "within the bond period (including any lawful extension)" immediately after "destroyed" in such third sentence.

33. In view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, and in view of section 14 of the last-mentioned Act, a new centerhead reading "International Traffic" is inserted immediately before § 10.41, notes 37 and 38, appended to § 10.41 (a), are deleted, and § 10.41 is amended to read as follows:

§ 10.41 *Instruments; exceptions.* (a) Locomotives and other railroad equipment used in international traffic shall be subject to the treatment provided for in § 5.12 of this chapter.

(b) Foreign-owned trucks, busses, and taxicabs arriving with merchandise or passengers destined to points in the United States, or arriving empty or loaded for the purpose of taking out merchandise or passengers, but not to engage in any local traffic in the United States (except that a vehicle in use on a regular scheduled trip in international traffic may carry merchandise or passengers between points in the United States when such carriage is directly incidental to the international schedule), may be admitted without written entry or the payment of duty. In the case of any such vehicle not in use on a regularly scheduled trip, the collector may require that the registration card for the vehicle be deposited pending the return of the vehicle for departure to the country from which it arrived, or the collector may take other appropriate measures to assure the proper use and departure of the vehicle.

(c) Foreign-owned aircraft arriving in the United States shall be subject to the treatment provided for in Part 6 of this chapter, unless entered under the provisions of § 10.31 or of paragraph (d) of this section.

(d) Any foreign-owned vehicle, aircraft, or undocumented boat brought into the United States for the purpose of carrying merchandise or passengers between points in the United States for hire or as an element of a commercial transaction, except as stated in the parenthetical matter in paragraph (b) of this section, is subject to treatment as an importation of merchandise from a foreign country and a regular entry therefor shall be made. Any such vehicle, aircraft, or boat so used without a proper entry having been made shall be subject to forfeiture under section 592, Tariff Act of 1930.

(e) Materials and equipment for use in building a bridge or tunnel over or under water between the United States and a foreign country shall be admitted without entry or the payment of duty provided the material is for installation in the bridge or tunnel proper, and not in the approaches on land at the United States end of the bridge or tunnel. All articles admitted under this paragraph shall be subject to customs supervision at the expense of the builder until exported or installed.

(f) Material for the maintenance or repair of international cables under the high seas, if requiring storage in special tanks for preservation, may be placed in tanks specially bonded for the purpose and withdrawn therefrom for high-seas installation without the payment of duty and without limitation of the storage period to the usual 3-year warehousing period.

(g) Vehicles and undocumented boats of foreign origin which are used for commercial purposes between adjoining or neighboring communities of the United States and a contiguous foreign country, such as delivery, peddlers', and service trucks, wagons, or boats, are subject to duty on first arrival, but may thereafter be admitted without entry or the payment of duty so long as they are continuously employed in international traffic. (R. S. 251, sec. 14, 67 Stat. 516, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1322, 1624.)

34. A footnote is appended to the centerhead preceding § 10.41 to read as follows:

"(a) Vehicles and other instruments of international traffic, of any class specified by the Secretary of the Treasury, shall be granted the customary exceptions from the application of the customs laws to such extent and subject to such terms and conditions as may be prescribed in regulations or instructions of the Secretary of the Treasury." (Sec. 322, Tariff Act of 1930, as amended; 19 U. S. C. 1322.)

35. The centerhead preceding § 10.42 is deleted.

36. Section 10.42 is amended by inserting "sec. 14, 67 Stat. 516," after "amended," and "1322," after "1615," in the citation of authority for the section.

37. To require a declaration in lieu of an oath, as authorized by section 17,

Customs Simplification Act of 1953, § 10.43 is amended by substituting "a declaration of a responsible officer of the importing society or institution that the substantial equivalent of the imported article is not manufactured in the United States" for "the affidavit required by that paragraph" in paragraph (a) and by adding to the citation of authority for the section "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486".

38. In view of the amendment of paragraph 1809, Tariff Act of 1930, by section 9, Customs Simplification Act of 1953, § 10.49 is amended by adding "as amended," after "1930," in the first sentence and deleting "Tariff Act of 1930." from the second sentence of paragraph (a), by inserting "within 5 years after the date of entry under such paragraph," after "regulations," in the first sentence and "within such 5-year period" immediately after "supervision" in the second sentence of paragraph (d), and by adding "as amended" after "684" in the citation of authority for the section.

39. Footnote 44, appended to § 10.49 (a), is amended by inserting "within five years after the date of entry hereunder" after "used contrary to this provision" and "within such five-year period" after "at any time," by deleting "and the preceding," by inserting, "as amended" after the first "1809" in the parenthetical matter at the end, and by adding the following new paragraph:

The conditions of any bond in force on September 7, 1953, to assure compliance with paragraph 1809, Tariff Act of 1930, or a predecessor provision of law, shall be deemed to have been satisfied on that date, or upon the expiration of 5 years from the date the bond was given, whichever is later, except with respect to any violation which has, or shall have, occurred before such time of satisfaction.

40. For the purpose of clarification, § 10.53 (a) is amended by substituting "verify the value and the statements set forth in" for "declare the value of facts of" in the second sentence.

41. In view of the decision of the Customs Court published as C. D. 1535 and of the amendment of section 309, Tariff Act of 1930, as amended, by section 11 (a), Customs Simplification Act of 1953, the centerhead preceding § 10.59 is amended by inserting "AND EQUIPMENT" after "SUPPLIES" and § 10.59 is amended by changing the last comma in paragraph (a) (4) to a period and deleting the remainder of the sentence, by deleting paragraphs (c) and (d) and footnote 57, appended to paragraph (c), and redesignating paragraph (e) as (c), and by amending the redesignated paragraph to read as follows:

(c) For the purpose of allowing the privileges of section 309, Tariff Act of 1930, as amended, to aircraft as provided for therein, an aircraft shall be deemed to be a vessel within the meaning of each provision of this section and of §§ 10.60-10.64 which may be applied to aircraft. (Secs. 309 (a), 624, 46 Stat. 690, as amended, 759; 19 U. S. C. 1309 (a), 1624.)

42. Footnote 56, appended to the heading of § 10.59, is amended by revising the

quoted subsection (a) therein to read as follows:

"(a) *Exemption from duties and taxes.* Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

"(1) For supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; or

"(2) For supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

"(3) For supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

43. As it is deemed advisable to require a new bond in all cases within the purview of § 10.60 (b), § 10.60 (c) is amended by substituting "as provided for in the preceding paragraph." for all the matter following the first comma.

44. To indicate the correct present title of the employees, § 10.65 (c) (3) is amended by substituting "customs warehouse officer" for "storekeeper" in the second sentence.

45. Footnote 59, appended to § 10.65 (a), is amended by revising the quoted subsection (b) to read as follows:

"(b) The shipment or delivery of any merchandise for use as supplies (including equipment) upon, or in the maintenance or repair of any vessel or aircraft described in subdivision (2) or (3) of section 309 (a) of this Act, or for use as ground equipment for any such aircraft, shall be deemed an exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such merchandise without the payment of duty or internal-revenue tax. With respect to merchandise for use as ground equipment, such shipment or delivery shall not be deemed an exportation within the meaning of the internal-revenue laws relating to taxes other than those imposed upon or by reason of importation."

46. To eliminate a requirement of an oath, as authorized by section 17, Customs Simplification Act of 1953, and to indicate the correct present designations of certain forms, § 10.70 is amended by substituting "declaration" for "affidavit" in the heading, by substituting "a dec-

laration" for "an affidavit" in paragraph (a), by substituting "A. H. or I&Q" for "A. H." in each of the two designations of forms in the second sentence of paragraph (b), and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

47. For the reason last stated, § 10.71 is amended by substituting "declaration" for "affidavit" in both places in paragraph (a) and in paragraph (c) and by adding "sec. 486, 46 Stat. 725, as amended; 19 U. S. C. 1486" to the citation of authority for the section.

48. In view of changes in rates of duty and since consumption entry bonds now contain an appropriate condition for payment of increased duties, § 10.84 (a) is amended to read as follows:

(a) Leather of a kind entitled under paragraph 1530 (c), Tariff Act of 1930, as modified, to a reduced rate of duty if used in the manufacture of footwear may be entered, or withdrawn from warehouse, for consumption upon payment of duty at the reduced rate if the person making the entry or withdrawal files therewith his declaration that the leather was imported to be used in the manufacture of footwear and the collector is satisfied that the importer of the leather had the declared intention at the time of importation. Liquidation of the entry covering the leather shall be suspended until proof of use is furnished or the time allowed for the production thereof has expired.

49. Since the statements provided for are not required to be under oath, the heading of § 10.94 is amended to read "Manufacturing records."

50. To eliminate an administrative requirement of an oath, § 10.99 is amended by substituting "a declaration" for "an affidavit" in paragraph (a) and by substituting "declaration" for "affidavit" in paragraph (b).

51. To show the correct present citation of the statute and to conform with another amendment, § 10.103 is amended by substituting "8.15 (c) (12)" for "8.15 (a) (12)", by substituting "602 (d) (6)" for "502 (d) (6)" and by substituting "(40 U. S. C. 474 (6))" for "(41 U. S. C., Supp., 204 (6))".

52. Footnote 98, appended to § 10.103, is amended by substituting "(40 U. S. C. 474 (6).)" for "(41 U. S. C., Supp., 204 (6).)" at the end thereof.

53. To show the correct present citation of the statute, § 10.104 (c) (2) is amended by substituting "602 (d) (6)" for "502 (d) (6)" and "(40 U. S. C. 474 (6))" for "(41 U. S. C., Supp., 204 (6))" in the first clause and in the prescribed form, by substituting "Federal Property and Administrative Services Act of 1949, as amended" for "Act of June 30, 1949" in the first clause, and by inserting ", as amended" after "1949" in the prescribed form.

54. To implement the provisions of section 322 (b), added to the Tariff Act of 1930 by section 14, Customs Simplification Act of 1953, Part 10 is amended by adding at the end thereof the following new centerhead and section:

RESCUE AND RELIEF WORK

§ 10.107 *Equipment and supplies; admission.* (a) There shall be admitted without entry and without the payment of duty or any tax imposed upon or by reason of importation of any article described in section 322 (b), Tariff Act of 1930, as amended," subject to compliance with the following conditions:

(1) Before importation or as soon thereafter as possible, and in every case before the expiration of 10 days after importation, a report shall be made to the nearest customs officer by the person in charge of sending the article from the foreign country, or by the person for whose account it was brought into the United States, stating the character, quantity, destination, and use to be made of the article.

(2) If practicable, the article shall be exported under customs supervision. In any other case a report shall be made by the person in charge of the exportation as soon as possible after exportation to the customs officer to whom the arrival was reported, stating the character, quantity, and circumstances of the exportation.

(b) In the case of each article admitted under paragraph (a) of this section, the collector of customs shall satisfy himself as to whether the article was exported within a reasonable time, or that it has been properly expended or destroyed. If an article is so far destroyed in connection with a use contemplated for it by section 322 (b) that it has only a salvage value, it shall not be required to be exported.

(c) Any article admitted under paragraph (a) of this section which is used in the United States otherwise than for a purpose contemplated for it by section 322 (b), or which is not exported within 90 days after its arrival in the United States, or within such longer time as may be specially authorized by the collector of customs or the Bureau, shall be seized and forfeited to the United States. (Sec. 14, 67 Stat. 516; 19 U. S. C. 1322 (b).)

55. The following footnote is appended to § 10.107 (a):

"(b) The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of any duty or tax imposed upon or by reason of importation, of—

"(1) Aircraft, equipment, supplies, and spare parts for use in searches, rescues, investigations, repairs, and salvage in connection with accidental damage to aircraft;

"(2) Fire-fighting and rescue and relief equipment and supplies for emergent temporary use in connection with conflagrations; and

"(3) Rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters.

Any articles admitted under the authority of this subsection and used otherwise than for a purpose herein expressed, or not exported in such time and manner as may be prescribed in the regulations or instructions herein authorized, shall be forfeited to the United States." (Tariff Act of 1930, sec. 322 (b), as amended; 19 U. S. C. 1322 (b).)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. For purposes of clarification and to eliminate obsolete matter, § 11.8 is amended as follows:

a. Paragraph (a) is amended by deleting "of Customs" in the third sentence.

b. Paragraph (e) is amended to read as follows:

(e) If an imported article is to be used in the United States in the manufacture of an article having a name, character, or use differing from that of the imported article, the principle of the decision in the case of *United States v. Gibson-Thomson Co., Inc.* (C. A. D. 98) will apply to such imported article. Under this principle, the manufacturer or processor in the United States who will convert or combine the imported article into the different article will be considered the "ultimate purchaser" of the imported article within the contemplation of section 304 (a), Tariff Act of 1930, as amended.

c. Paragraph (f) is amended by deleting "Philippine or".

d. Paragraph (g) is amended by adding at the end thereof the following new sentence: "An article excepted from marking under section 11.10 is not within the scope of section 304 (a) (2), Tariff Act of 1930, as amended, and is not subject to the requirements of this paragraph."

e. Paragraph (j) is amended by substituting "Unusual" for "Usually".

f. Paragraph (k) is amended by changing the period at the end of the first sentence to a comma and adding "as amended."

g. Paragraph (l) is amended by deleting "or which has been", by inserting "or manipulated (but not manufactured) in a foreign-trade zone as provided for in § 30.12 of this chapter" after the first "as amended", and by substituting "importation" for "exportation".

h. A new footnote is appended to § 11.8 (e) to read as follows:

"It is not feasible to state who will be the "ultimate purchaser" in every circumstance. Broadly stated, an "ultimate purchaser" may be defined as the last person in the United States who will receive the article in the form in which it was imported. If an imported article will be used in manufacture, the manufacturer is the "ultimate purchaser." If an article is to be sold at retail in its imported form, the purchaser at retail is the "ultimate purchaser." A person who subjects an imported article to a process which results in a substantial transformation of the article, even though the process may not result in a new or different article, may be an "ultimate purchaser" in certain circumstances; but if the process is merely a minor one which leaves the identity of the imported article intact, the consumer or user of the article, who purchases it after the processing, will be regarded as the "ultimate purchaser."

2. In view of the repeal of special marking provisions in the Tariff Act of 1930 by section 4 (a), Customs Simplification Act of 1953, § 11.9 is amended as follows:

a. Paragraph (a) is deleted and paragraphs (b) and (c) are redesignated (a) and (b), respectively.

b. Redesignated paragraph (a) is amended by substituting, "Tariff Act of 1930," for "of the tariff act" in the first sentence, by deleting "prescribed by section 304 (c), Tariff Act of 1930, as amended," from the second sentence, and by substituting "304 (c)" for "304 (d)" in the second sentence.

c. Redesignated paragraph (b) is amended to read as follows:

(b) The name of the manufacturer or purchaser, which must appear on articles classifiable under such paragraph 367 or 368 and specified in subparagraph (b) or (g) of paragraph 367 or subparagraph (b) of paragraph 368, may be either the actual name of the manufacturer or purchaser or a duly registered trade name under which such manufacturer or purchaser carries on his business. A trade-mark shall not be accepted as meeting any such special marking requirement unless it includes the full name of the manufacturer or purchaser. The term "purchaser" as used in this paragraph means the purchaser in the United States by whom or for whose account the articles are imported. (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

3. For purposes of clarification and in view of the repeal of special marking provisions in the Tariff Act of 1930 by section 4 (a), Customs Simplification Act of 1953, § 11.10 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) Articles within any specification in section 304 (a) (3), Tariff Act of 1930, as amended," are hereby excepted from the requirement of marking. The marking of the container of an article will reasonably indicate the origin of such article within the meaning of section 304 (a) (3) (D) if the article is imported (or repacked under section 562, Tariff Act of 1930, as amended) in a container which will reach the ultimate purchaser in the United States unopened.

b. Paragraph (b) is amended by substituting "367 or 368," for "354, 355, 357, 358, 359, 360, 361, 367, 368, or 1553,".

c. Footnote 12, appended to § 11.10 (a), is amended by deleting "or" at the end of subdivision (I), by changing the period at the end of subdivision (J) to a semicolon and adding "or", by deleting the quotation mark and citation at the end of the footnote, and by adding the following new matter:

"(K) Such article cannot be marked after importation except at an expense which is economically prohibitive, and the failure to mark the article before importation was not due to any purpose of the importer, producer, seller, or shipper to avoid compliance with this section." (Tariff Act of 1930, sec. 304 (a) (3), as amended; 19 U. S. C. 1304 (a) (3).)

4. In view of the repeal of special marking provisions of the Tariff Act of 1930 by section 4 (a), Customs Simplification Act of 1953, and for the purpose of clarification, § 11.11 is amended by deleting "(when permissible)" from the first sentence of paragraph (a), by deleting paragraph (b) and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively, and by substituting

tuting "paragraph 367 or 368," for "paragraphs 367 and 368," in the first sentence of redesignated paragraph (b).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. For purposes of clarification, § 12.26 is amended by inserting "medical" after "zoological park or" in the first sentence of paragraph (b) (4), by inserting after the third sentence of paragraph (c) the following new sentence: "A permit is also required in the case of one or two birds taken out of the country for subsequent return, if such birds were purchased within 4 months before their exportation," and by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" and "13b" for footnote reference "13a" in the first sentence of paragraph (d).

2. Footnote 13a, appended to § 12.26 (b) (4) and (c) is amended by substituting "71.152-71-153" for "71.151-71.155 and 71.157".

3. A new footnote is appended to § 12.26 (d) to read as follows:

^{15b} See Appendix XVIII, quoting 42 CFR 71.154-71-155.

4. To permit the consolidation of certain evidence on a single form, § 12.41 (a) is amended by adding thereto the following new sentence: "When imported films are claimed to be free of duty as American goods returned, this certification may be made on customs Form 3311 in the space designated 'Remarks' in lieu of on Form 3291."

5. To eliminate an unnecessary administrative requirement of an oath, § 12.45 is amended by deleting "under oath".

6. To indicate the correct present title of the employees, § 12.50 (c) is amended by substituting "customs warehouse officer" for "storekeeper".

7. "FUR SEAL OR SEA-OTTER SKINS" is inserted as a centerhead preceding § 12.60.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

1. The heading of part 13 is amended to read as set forth above.

2. Since consumption entry bonds now contain an appropriate condition for payment of increased duties and in view of changes in rates of duty, § 13.4 is amended as follows:

a. The matter preceding paragraph (a), not including the heading, and paragraphs (a), (b), and (c) are deleted and the following is substituted therefor:

(a) Pursuant to the last sentence of paragraph 502, Tariff Act of 1930,³ molasses not imported to be used commercially for the extraction of sugar for human consumption may be released upon the deposit of estimated duties at the appropriate rate and liquidation of the covering entry shall be suspended until proof of use is furnished or the time

allowed for the production thereof has expired, provided there is filed with the entry or withdrawal a declaration of the person making the entry or withdrawal that the molasses was not imported to be used commercially for the extraction of sugar or for human consumption and that it will not be so used.

b. Paragraphs (d), (e), and (f) are redesignated (b), (c), and (d), respectively.

c. Redesignated paragraph (c) is amended by substituting "appropriate rate under the last sentence of paragraph 502, Tariff Act of 1930, as modified" for "rate of three one-hundredths of 1 cent per pound of total sugars" in the first sentence, by substituting "sentence of such paragraph 502" for "clause of paragraph 502, Tariff Act of 1930" in the second sentence, and by changing the period at the end of the paragraph to a comma and adding "as modified."

d. Redesignated paragraph (d) is amended by substituting "lower rate" for "rate of three one-hundredths of 1 cent per pound of total sugars" in the first sentence and by deleting "(c), (d), or (e)" from that sentence.

3. In view of section 5 (c), Customs Simplification Act of 1953, new matter is added at the end of Part 13 as follows:

COTTON

§ 13.17 *Invoices.* Invoices of cotton provided for in paragraph 783 or 1662, Tariff Act of 1930, as amended, shall show the following detailed information in addition to other required information:

(a) One of the following statements regarding each lot of cotton covered by the invoice:

(1) This is harsh or rough cotton under $\frac{3}{4}$ inch in staple length.

(2) The staple length of this cotton is under $1\frac{1}{8}$ inches. (This statement is not to be used if (1) is applicable.)

(3) The staple length of this cotton is $1\frac{1}{8}$ inches or more and under $1\frac{1}{16}$ inches.

(4) The staple length of this cotton is $1\frac{1}{16}$ inches or more.

(b) The name of the country of origin and, if practicable, the name of the province or other subdivision of the country of origin in which the cotton was grown.

(c) The variety of the cotton, such as Karnak, Gisha, Pima, Tanguis, etc. (Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624.)

§ 13.18 *Sampling and stapling.* (a) For the purposes of this section and § 13.17, "staple length" means the length of the fibers in a particular quantity of cotton designated in terms expressing the measurement by the inch or fraction thereof of a representative portion of the quantity in accordance with the Official Cotton Standards of the United States for length of staple, as established by the Secretary of Agriculture.

(b) For determining the staple length of any lot of cotton for any customs purposes, samples of the lot shall be taken in accordance with commercial practice.

(c) The appraiser shall have one or more samples of each sampled bale of cotton stapled by a qualified examiner (including any employee of the Department of Agriculture properly designated by the Bureau for the purpose), and shall promptly transmit by mail to the person who would be liable for duties, if any are or might be payable, a notice of the results determined.

(d) If the person notified is dissatisfied with the appraiser's determination, he may file with the appraiser, within 14 calendar days after the date of mailing of the notice, a written request in duplicate for a redetermination of the staple length. Each such request shall include a statement of the claimed staple length for the cotton in question and a clear statement of the basis for the claim. The request shall be granted if it appears to the appraiser to be made in good faith. In making the redetermination of staple length, the appraiser may obtain an opinion of a board of cotton examiners of the United States Department of Agriculture, if he deems such action advisable. All expenses occasioned by any redetermination of staple length, exclusive of the compensation of customs officers, shall be reimbursed to the Government by the person requesting the redetermination. (Secs. 1 (par. 783), 624, 46 Stat. 639, as amended, 759; 19 U. S. C. 1001 (par. 783), 1624.)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 14—APPRAISEMENT

1. To provide for the examination of merchandise delivered under an immediate transportation entry to a place outside a port of entry, as contemplated by section 484 (f), Tariff Act of 1930, as amended by section 3 (b), Customs Simplification Act of 1953, § 14.2 is amended by redesignating paragraphs (f), (g), and (h) as (g), (h), and (i), respectively, and by inserting a new paragraph (f) to read as follows:

(f) When merchandise covered by an immediate transportation entry has been authorized by the collector to be delivered to a place outside a port of entry, as provided for in § 18.11 (c), the provisions of paragraphs (a) to (e), inclusive, of this section shall be complied with to the same extent as would have been required if the merchandise had been delivered to the port of entry designated in the transportation entry and then authorized to be examined elsewhere than at the public stores, wharf, or other place where a customs officer is regularly stationed.

2. In view of the amendments of the Tariff Act of 1930 made by section 18, Customs Simplification Act of 1953, § 14.3 is amended by deleting paragraphs (g), (h), and (i) and redesignating paragraph (j) as (g).

3. In view of the amendments of the Tariff Act of 1930 made by section 18, Customs Simplification Act of 1953, making it unnecessary for importers to obtain information as to value from appraising officers in advance of appraisal in any but exceptional cases

or as provided for in § 8.29 (c) and (d), and particularly to eliminate the filing of a so-called "submission sheet" as a routine element of an importer's request for information as to value, § 14.4 is amended to read as follows:

§ 14.4 *Furnishing information as to values.* The appraiser shall furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) Such information shall be given before appraisement only as provided for in § 8.29 (c) and (d) of this chapter, or in response to a specific oral or written request therefor by an importer or his representative, supported by an adequate reason for the request, and in no case shall be volunteered by a customs employee.

(b) The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the appraiser who receives the request, and only after the merchandise has arrived at the port of entry or upon satisfactory evidence that it has been exported and is en route to the United States.

(c) Each request shall be accompanied by the latest information as to the values in question which the importer has or reasonably can obtain.

(d) Information shall be given only with an understanding and agreement in each case that the information is in no sense an appraisement and is not binding upon the appraiser's action when he appraises the goods.

(e) The appraiser shall not be required to reply to a written request for value information after a value for the merchandise has been declared on entry unless he has information indicating a probable appraised value different from such entered value. (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

4. In view of the repeal of the special marking requirement of paragraph 28, Tariff Act of 1930, by section 4 (a), Customs Simplification Act of 1953, § 14.6 and footnote 14 appended thereto are deleted.

5. To eliminate requirements of oaths, as authorized by section 17, Customs Simplification Act of 1953, § 14.8 is amended as follows:

a. The heading is amended by substituting "certificates" for "affidavits".

b. Paragraph (c) is amended by substituting "a certificate" for "an affidavit" in the matter preceding the forms, by substituting "Certificate" for "Affidavit" in the title of each of the forms, by substituting "certify" for "do solemnly swear" in the first clause of the text in each form, by inserting "Dated _____, 19__" above the signature line and deleting the jurat in each form, by substituting "certify" for "declare" in the second sentence of Form 1, and by deleting "sworn" from the second sentence of Form 3.

c. Paragraph (d) is amended by substituting "a certificate" for "an affidavit".

d. Paragraph (e) is amended by substituting "certificate" for "affidavit".

e. The citation of authority for the section is amended by adding "sec. 486,

46 Stat. 725, as amended; 19 U. S. C. 1486" and transferred to the end of paragraph (g) and the remainder of paragraph (h) is deleted.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPED

1. Footnote 6, appended to § 15.3 (a), is amended to read as follows:

*The date of entry is the date the entry is made as stated in § 8.4 (d), (e), or (f) of this chapter.

2. In view of the amendment of section 557 (b), Tariff Act of 1930, as amended, by section 21, Customs Simplification Act of 1953, § 15.4 (b) is amended to read as follows:

(b) A person in whom the right to withdraw merchandise entered for warehousing is vested in accordance with § 8.39 or § 18.16 (a) of this chapter is entitled exclusively to the rights and privileges initially held by the consignee in respect of abandonment or destruction of such merchandise.

3. To revise obsolete matter, § 15.6 (a) is amended by substituting "the regulations of the General Services Administration applicable to the Bureau of Customs" for "T. D. 48105, as amended" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

1. In view of the amendment of section 321, Tariff Act of 1930, as amended, by section 13, Customs Simplification Act of 1953, and to eliminate matter pertaining only to internal management, § 16.2 is amended as follows:

a. paragraph (c) is amended to read as follows:

(c) When the amount of duty assessed by the collector in the liquidation of an entry (other than informal entry on customs Form 5119 or 5119-A, a mail entry on customs Form 3419 or 3420, or a baggage entry on customs Form 5123, 6059, or 6063) does not differ by so much as \$3 from the total estimated duties, including any supplemental estimated duties, deposited, the liquidator shall endorse the entry "as entered" over his initials in red ink. If there is a difference of \$3 or more between the duties so assessed and the total estimated duties deposited, the liquidator shall make a new statement of duties over his initials in red ink. The same procedure shall be followed with respect to internal-revenue taxes, but the assessments of duties and internal-revenue taxes shall be separately stated when both accrue on the same entry. In the case of each informal, mail, or baggage entry excepted above, the amount or amounts of duties and taxes computed by a customs officer when the entry is prepared by, or filed with, him shall be the liquidated assessment by the collector. In the event of a reliquidation of any such in-

formal, mail, or baggage entry for any reason, the reliquidated duties shall be exactly assessed, if the importer so requests, even though the difference between the liquidated and reliquidated amounts is less than \$3; otherwise, any difference under \$3 shall be disregarded.

b. Paragraph (d) is amended by revising the first sentence to read as follows: "After liquidation by the collector, formal entries shall be scheduled promptly on a bulletin notice of liquidation, customs Form 4333," and by substituting "16.12 (a)" for "16.12 (b)" at the end of the fourth sentence.

c. The citation of authority for the section is amended by inserting "as amended," after "1081,".

d. Footnote 3, appended to § 16.2 (c), is amended to read as follows:

*"(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

"(1) Disregard a difference of less than \$3 between the total estimated duties or taxes deposited, or the total duties or taxes tentatively assessed, with respect to any entry of merchandise and the total amount of duties or taxes actually accruing thereon; * * *

(Tariff Act of 1930, sec. 321, as amended; 19 U. S. C. 1321.)

e. Footnote 4, appended to § 16.2 (d), is deleted.

2. To conform with the amendment of § 16.10 (h) made hereinafter, § 16.3 (c) is amended by deleting "See § 16.10 (h)." and by adding the following sentence immediately before the citation of authority for the section: "The liability for duty or tax with respect to any such quota merchandise or alcoholic beverage which has been withdrawn for transportation and delivered into customs custody at the port of destination shall be determined by a liquidation of the warehouse entry made in the district where the merchandise is withdrawn for consumption or for exportation."

3. In view of the amendment of section 508, Tariff Act of 1930, by section 19, Customs Simplification Act of 1953, § 16.9 is amended to read as follows:

§ 16.9 *Commingle of goods.* (a) Commingled merchandise shall be assessed with duty at the highest rate or rates applicable to any one kind of merchandise included in the commingling, unless the quantity and value of each of the kinds so included can be readily ascertained by the usual method of customs examination or by one or more of the methods specified in section 508 (a), Tariff Act of 1930, as amended, or unless the conditions specified in section 508 (b), (c), or (d), Tariff Act of 1930, as amended, are satisfied. Evidence specified in such section 508 (a) (3) shall be considered only if it is filed in the collector's office within 30 days after the date of delivery or mailing of the notice provided for in paragraph (b) of this section, except that the collector may extend such 30-day period for additional periods of 30 days each, but not beyond 6 months from the date of delivery or mailing of the notice, provided the importer or his agent makes written appli-

cation for each extension and gives satisfactory reasons for its allowance.

(b) The collector shall give written notice to the consignee as promptly as possible after any commingling is discovered.

(c) If a consignee or his agent desires to avail himself of the privileges of such section 508 (c) or (d), he shall file with the collector within 30 days after the date of delivery or mailing of the notice provided for in paragraph (b) of this section documentary proof which will satisfy the collector that the merchandise is entitled to the lower rate of duty. (Secs. 508, 624, 46 Stat. 732, as amended, 759; 19 U. S. C. 1508, 1624.)

4. Footnote 9, appended to § 16.9, is amended to read as follows:

"(a) Whenever dutiable merchandise and merchandise which is free of duty or merchandise subject to different rates of duty are so packed together or mingled that the quantity or value of each class of such merchandise cannot be readily ascertained by the customs officers (without physical segregation of the shipment or the contents of any entire package thereof), by one or more of the following means: (1) Examination of a representative sample, (3) occasional verification of packing lists or other documents filed at the time of entry, or (3) evidence showing performance of commercial settlement tests generally accepted in the trade and filed in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, and if the consignee or his agent shall not segregate the merchandise pursuant to subsection (b), then the whole of such merchandise shall be subject to the highest rate of duty applicable to any part thereof.

"(b) Every segregation of merchandise made pursuant to this section shall be accomplished by the consignee or his agent at the risk and expense of the consignee within thirty days after the date of personal delivery or mailing, by such employee as the Secretary of the Treasury shall designate, of written notice to the consignee that the merchandise is commingled, unless the Secretary authorizes in writing a longer time. Every such segregation shall be accomplished under customs supervision, and the compensation and expenses of the supervising customs officers shall be reimbursed to the Government by the consignee under such regulations as the Secretary of the Treasury may prescribe.

"(c) The foregoing provisions of this section shall not apply with respect to any part of a shipment if the consignee or his agent shall furnish, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof (1) that such part (A) is commercially negligible, (B) is not capable of segregation without excessive cost, and (C) will not be segregated prior to its use in a manufacturing process or otherwise, and (2) that the commingling was not intended to avoid the payment of lawful duties or any part thereof. Any merchandise with respect to which such proof is furnished shall be considered for all customs purposes as a part of the merchandise, subject to the next lower rate of duty (including a free rate), with which it is commingled.

"(d) The foregoing provisions of this section shall not apply with respect to any shipment if the consignee or his agent shall furnish, in such time and manner as may be prescribed by regulations of the Secretary of the Treasury, satisfactory proof (1) that the value of the commingled merchandise is less than the aggregate value would be if the shipment were segregated; (2) that the shipment is not capable of segregation without

excessive cost and will not be segregated prior to its use in a manufacturing process or otherwise; and (3) that the commingling was not intended to avoid the payment of lawful duties or any part thereof. Any merchandise with respect to which such proof is furnished shall be considered for all customs purposes to be dutiable at the rate (including a free rate) applicable to the material present in greater quantity than any other material." (Tariff Act of 1930, sec. 508, as amended; 19 U. S. C. 1508.)

5. In view of the amendment of sections 315 and 503, Tariff Act of 1930, as amended, by sections 3 (a) and 18 (d), Customs Simplification Act of 1953, § 16.10 is amended as follows:

a. Paragraph (h) is amended to read as follows:

(h) When a rate of duty or a rate of internal-revenue tax imposed upon or by reason of importation is changed by an act of Congress or by a proclamation of the President,^{10a} the new rate shall be applied in accordance with the provisions of section 315 (a), Tariff Act of 1930, as amended,¹¹ subject in appropriate cases to the provisions of subsection (b) of such section 315. Any reliquidation of duty or tax on merchandise covered by a rewarehouse entry which may be required by reason of a change in rate within the purview of this paragraph shall be made in the district in which the merchandise is held in customs custody on the effective date of the change. (Secs. 315, 505, 624, 46 Stat. 695, as amended, 732, 759; 19 U. S. C. 1315, 1505, 1624.)

b. Paragraph (i) is deleted.

c. Footnote 10, appended to § 16.10 (a), is amended by substituting "(d)" for the asterisks preceding the quoted matter and by inserting "(d)" immediately after "315" and immediately after "1315" in the parenthetical matter at the end of the footnote.

d. Footnote 11, appended to § 16.10 (h), is redesignated 10a and a new footnote is appended to § 16.10 (h) to read as follows:

"(a) Except as otherwise specially provided for, the rate or rates of duty imposed by or pursuant to this Act or any other law on any article entered for consumption or withdrawn from warehouse for consumption shall be the rate or rates in effect when the documents comprising the entry for consumption or withdrawal from warehouse for consumption and any estimated or liquidated duties then required to be paid have been deposited with the appropriate customs officer in the form and manner prescribed by regulations of the Secretary of the Treasury, except that—

"(1) Any article released under an informal mail entry shall be subject to duty at the rate or rates in effect when the preparation of the entry is completed; and

"(2) Any article which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation under section 552 of this Act, if entered for consumption at the port designated by the consignee, or his agent, in such transportation entry without having been taken into the custody of the collector under section 490 of this Act, shall be subject to the rate or rates in effect when the transportation entry was accepted at the port of original importation.

"(b) Any article which has been entered for consumption but which, before release

from customs custody, is removed from the port or other place of intended release because of inaccessibility, overcarriage, strike, act of God, or unforeseen contingency, shall be subject to duty at the rate or rates in effect when the entry for consumption and any required duties were deposited in accordance with subsection (a) of this section, but only if the article is returned to such port or place within ninety days after the date of removal and the identity of the article as that covered by the entry is established in accordance with regulations prescribed by the Secretary of the Treasury." (Tariff Act of 1930, sec. 315 (a), (b), as amended; 19 U. S. C. 1315 (a), (b).)

6. In view of the amendment of section 523, Tariff Act of 1930, by section 2 (d), Customs Simplification Act of 1953, and to eliminate matter pertaining only to internal management, § 16.12 is amended as follows:

a. Paragraphs (a), (d), and (e) are deleted and paragraphs (b) and (c) are redesignated (a) and (b), respectively.

b. Redesignated paragraph (a) is amended by revising the first sentence to read as follows: "After the liquidation of appraisement, informal, mail, or baggage entries, a carbon copy of the schedule on customs Form 5171 or 5187 covering such entries shall be posted or lodged as the notice of liquidation, in the place and manner specified in section 16.2 (d) for customs Form 4333, after a line has been drawn through the data relating to any entry listed thereon which has not been liquidated as entered." and by inserting "or 5187" after "5171" in the second sentence.

c. Redesignated paragraph (b) is amended to read as follows:

(b) The liquidation of free baggage declarations whether originals, certified copies, or certificates on customs Form 6059-A, shall not be listed on any notice.

7. In view of the amendment of section 520 (c) (1), Tariff Act of 1930, as amended, by section 20, Customs Simplification Act of 1953, § 16.13 is amended by substituting "appraised" for "entered" in the first sentence, and by substituting "Any other clerical error or error constituting a mistake of fact or other inadvertence not amounting to an error in the construction of a law" for "In other cases such errors" in the last sentence, and by substituting "as amended, 759" for "759, sec. 18, 52 Stat. 1086" in the citation of authority for the section.

8. Footnote 12, appended to § 16.14 (a), is amended by revising the quoted subdivisions (1) and (2) to read as follows:

"(1) A clerical error, mistake of fact, or other inadvertence not amounting to an error in the construction of a law, adverse to the importer and manifest from the record or established by documentary evidence, in any entry, liquidation, appraisement, or other customs transaction, when the error, mistake, or inadvertence is brought to the attention of the customs service within one year after the date of entry, appraisement, or transaction, or within sixty days after liquidation or exaction when the liquidation or exaction is made more than ten months after the date of the entry, appraisement, or transaction; or

"(2) Any assessment of duty on household or personal effects in respect of which an application for refund has been filed, with such employee as the Secretary of the Treas-

ury shall designate, within one year after the date of entry."

9. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, § 16.17 and footnote 14 appended thereto are deleted.

10. In view of the amendments of the Tariff Act of 1930 made by sections 16 (c) and 18, Customs Simplification Act of 1953, § 16.23 is amended by substituting "8.15 (b) or (c)" for "8.15" and "\$250" for "\$100" in the second sentence of paragraph (b) and by deleting "and additional duties for undervaluation (sec. 489, Tariff Act of 1930)" from paragraph (c).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

1. To conform with the amendments of § 16.2 (d) and 16.12 hereinbefore made, § 17.1 (c) is amended to read as follows:

(c) The date of liquidation for the purpose of computing the time for filing a protest under section 514, Tariff Act of 1930, shall be the date of posting or lodging a notice of the liquidation in accordance with § 16.2 or § 16.12.

2. In view of the amendment of section 503, Tariff Act of 1930, by section 18 (d), Customs Simplification Act of 1953, § 17.6 is amended by deleting "(a)" from the beginning of the first paragraph, by transferring the citation of authority to the end of the present first paragraph and amending such citation to read "Secs. 501, 624, 46 Stat. 730, as amended, 759; 19 U. S. C. 1501, 1624.", and by deleting paragraph (b).

3. Footnote 6, appended to § 17.6, is amended by changing the period at the end of the quoted matter to a comma and adding "or (3) in any case, if the consignee, his agent, or his attorney requests such notice in writing before appraisal, setting forth a substantial reason for requesting the notice," and by deleting "(a)" from both places in which it appears in the parenthetical matter at the end of the footnote.

4. Footnote 7, appended to § 17.7 (b), is amended by inserting ", including all determinations entering into the same," after "appraiser" in the first clause of the first paragraph, by deleting the second sentence from the first paragraph, and by deleting "(a)" from both places in which it appears in the parenthetical matter at the end of the first paragraph.

5. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, the centerhead preceding § 17.9 is amended by deleting "remission of Additional Duty * * *" and § 17.10 and footnotes 11 and 12 appended thereto are deleted.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. To provide for a copy of the manifest to be used for a notice to the collec-

tor at destination if the entire quantity of merchandise entered for transportation is not shipped, and to indicate the correct present title of the employee, § 18.2 (c) is amended by substituting "quadruplicate" for "triplicate" and "four" for "three" in the first sentence and "customs warehouse officer" for "storekeeper" in the second sentence.

2. As one warning label on a package shipped in bond is usually sufficient, § 18.4 is amended by substituting "a warning label" for "two warning labels" in the first sentence of paragraph (e) and by amending paragraph (f) to read as follows:

(f) The warning label, when used, shall be pasted securely on the package under customs supervision as close as practicable to the mark or number on the package. Additional labels may be required by the collector in such places on the package as he shall specify in any case where he is of the opinion that one is not adequate.

3. To provide for the shipment of merchandise under an immediate transportation entry to a place outside the limits of the port of entry designated in the transportation entry, as contemplated by section 484 (f), Tariff Act of 1930, as amended by section 3 (b), Customs Simplification Act of 1953, § 18.11 (c) is amended to read as follows:

(c) Before a shipment covered by an entry for immediate transportation shall be allowed to be transported directly to a place of deposit outside a port of entry for examination and release as contemplated by section 484 (f), Tariff Act of 1930, as amended" the consent of the collector and appraiser for the port of entry designated in the transportation entry must first be secured, and the importer must furnish such collector with a stipulation that, promptly upon the arrival of any part of the merchandise at the place of deposit, he will file an entry for the shipment at the port of entry designated in the transportation entry and comply with the provisions of § 14.2 as provided for in § 14.2 (f) of this chapter.

4. Footnote 6, appended to § 18.11 (c), is amended to read as follows:

"* * * * * in the case of articles not subject to a quantitative or tariff-rate quota, entry for the entire quantity covered by an entry for immediate transportation made under section 552 of this Act may be accepted at the port of entry designated by the consignee, or his agent, in such entry after the arrival of any part of such quantity at such designated port or at such other place of deposit as may be authorized in accordance with regulations prescribed by the Secretary of the Treasury." (Tariff Act of 1930, sec. 484 (f), as amended; 19 U. S. C. 1484 (f).)

5. In view of the amendment of section 484 (a), Tariff Act of 1930, by section 16 (b), Customs Simplification Act of 1953, § 18.12 (e) is amended by substituting "5 days, exclusive of Sunday and holidays," for "48 hours" in the first sentence.

6. In view of the amendment of section 557 (b), Tariff Act of 1930, as amended, by section 21, Customs Simplification Act of 1953, § 18.16 (a) is amended to read as follows:

(a) Merchandise may be withdrawn from warehouse for transportation to another port of entry if withdrawal for consumption or exportation can be accomplished at the port of destination before the expiration of the warehousing period, including any lawful extension thereof. The withdrawal document in such a case shall be executed on customs Form 7512, 10 copies of which shall be required at the port of origin. A person in whom the right to withdraw the merchandise to be so transported has not previously been vested in accordance with § 8.39 may make such withdrawal by (1) depositing a withdrawal for transportation on which is endorsed an assent to the withdrawal by the person in whom the right of withdrawal is then vested and (2) filing with such endorsed withdrawal the bond provided for in § 8.39 (a).

7. To conform with the amendments of §§ 16.3 (c) and 16.10 (h) hereinbefore made, and in view of the amendment of section 321, Tariff Act of 1930, as amended, by section 13 of the Customs Simplification Act of 1953, § 18.18 (c) is amended by inserting "16.3 (c) or" after "section" in the first sentence, by substituting "\$3" for "\$1" in the second sentence, and by amending the citation of authority for the section to read "(Sec. 7, 52 Stat. 1081, as amended, secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1321, 1557, 1624.)."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. To indicate the correct present title of the employees, § 19.1 (c) is amended by substituting "customs warehouse officer" for "storekeeper" in the first sentence.

2. The third sentence in footnote 6, appended to § 19.1 (a), is amended to read as follows: "The basis for the assessment of duties on such merchandise so withdrawn for consumption shall be the adjusted final appraised value, and if the rate of duty is based upon or regulated in any manner by the value of the merchandise, such rate shall be based upon or regulated by such adjusted final appraised value."

3. In view of section 22 of the Customs Simplification Act of 1953 and to indicate the correct present title of the employees, § 19.4 is amended by changing the period in the heading to a semicolon and adding "supervision.", by substituting "customs warehouse officer" for "storekeeper" in the first sentence of paragraph (a) and the first sentence of paragraph (b), by deleting the parenthetical matter at the end of paragraph (d), and by adding the following new paragraph:

(e) The character and extent of the customs supervision to be exercised in connection with any warehouse or transaction provided for in this part 19 shall be in accordance with § 23.35 of this chapter. (Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U. S. C. 1555, 1556, 1624.)

4. To indicate the correct present title of the employees, § 19.5 is amended by

substituting "Customs warehouse officer" for "Storekeeper" in the heading, by substituting "customs warehouse officers" for "storekeeper" in paragraph (a), and by substituting "customs warehouse officer" for "storekeeper" wherever the latter term appears in paragraph (b), (c), or (d).

5. To indicate the correct present title of the employees, § 19.6 (a) is amended by substituting "customs warehouse officer" for "storekeeper" in the first sentence, § 19.8 is amended by substituting "customs warehouse officer" for "storekeeper" in the first sentence, and § 19.12 is amended by substituting "customs warehouse officer's" for "storekeeper's".

6. For the purpose of clarification and to indicate the correct present title of the employees, § 19.13 is amended by substituting "present or create a false or misleading statement or impression" for "afford an opportunity to mislead purchasers" in paragraph (f) and by substituting "customs warehouse officer" for "storekeeper" in the last sentence of paragraph (g).

7. To indicate the correct present title of the employees, § 19.15 (i) is amended by substituting "customs warehouse officer" for "storekeeper" in the first sentence and § 19.16 (h) is amended by substituting "customs warehouse officer" for "storekeeper" in the text of the second part of the prescribed form and by substituting "Customs warehouse officer" for "Storekeeper" under the signature line in the third part of such form.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 22—DRAWBACK

1. Footnote 1, appended to § 22.1, is amended by substituting "three years" for "one year" in subsection (b) and by substituting the following for subsections (h) and (i):

"(h) *Time limitation on exportation.* No drawback shall be allowed under the provisions of this section unless the completed article is exported within five years after importation of the imported merchandise.

"(i) *Regulations.* Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe, which may include, but need not be limited to, the fixing of a time limit within which drawback entries or entries for refund under any of the provisions of this section or section 309 (b) of this Act shall be filed and completed, and the designation of the person to whom any refund or payment of drawback shall be made.

2. In view of the amendment of section 313 (h), Tariff Act of 1930, by section 12 (c), Customs Simplification Act of 1953, § 22.4 is amended by substituting "5 years" for "3 years" in paragraph (b).

3. In view of the amendment of section 313 (b), Tariff Act of 1930, by section 12 (a), Customs Simplification Act of 1953, § 22.5 is amended by substituting "3 years" for "1 year" in subparagraphs (2), (4), and (5) of paragraph (a) and in paragraph (c).

4. In view of the amendments of section 313 (b) and (h), Tariff Act of 1930, by section 12, Customs Simplification Act

of 1953, § 22.6 (b) is amended by substituting "3 years" for "1 year" and "5 years" for "3 years" in subparagraph (2) and by substituting "3 years" for "1 year" in subparagraph (5).

5. To correct an inadvertence, § 22.8 (a) is amended by deleting "registered" from the first sentence.

6. In view of the amendment of section 313 (b), Tariff Act of 1930, by section 11 (a), Customs Simplification Act of 1953, § 22.18 (a) is amended by substituting "certain foreign vessels or aircraft" for "certain aircraft".

7. Footnote 6, appended to § 22.18 (a), is amended by revising subsections (a) and (b) to read as follows:

"(a) *Exemption from duties and taxes.* Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

"(1) For supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; or

"(2) For supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

"(3) For supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

"(b) *Drawback.* Articles withdrawn from bonded warehouses, bonded manufacturing warehouses, continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, and articles of domestic manufacture or production, laden as supplies upon any such vessel or aircraft of the United States or laden as supplies (including equipment) upon, or used in the maintenance or repair of, any such foreign vessel or aircraft, shall be considered to be exported within the meaning of the drawback provisions of this Act."

8. In view of the amendment of section 313 (i), Tariff Act of 1930, by section 12 (c), Customs Simplification Act of 1953, § 22.23 (a) is amended by deleting "not" from the second sentence.

9. To indicate the correct present title of the employees, § 22.28 (d) is amended by substituting "customs warehouse officer" for "storekeeper".

10. The centerhead preceding § 22.31 is amended to read "Rejected Merchandise".

11. In view of the amendment of section 313 (c), Tariff Act of 1930, by sec-

tion 12 (b), Customs Simplification Act of 1953, § 22.31 is amended by inserting "or shipped without the consent of the consignee" immediately after "specifications" and by substituting "as amended," for "secs. 402, 403, 49 Stat. 1960," in the citation of authority for the section.

12. Footnote 15, appended to § 22.31, is amended to read as follows:

"Upon the exportation of merchandise not conforming to sample or specifications or shipped without the consent of the consignee upon which the duties have been paid and which have been entered or withdrawn for consumption and, within ninety days after release from customs custody, unless the Secretary authorizes in writing a longer time, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less 1 per centum of such duties." (Tariff Act of 1930, sec. 313 (c), as amended; 19 U. S. C. 1313 (c).)

13. In view of the amendment of section 313 (c), Tariff Act of 1930, by section 12 (b), Customs Simplification Act of 1953, § 22.32 is amended by inserting "or to have been shipped to him without his consent" after "specifications" in the first sentence of paragraph (a), by inserting "or shipped without the consent of the consignee" after "specifications" in the first sentence of paragraph (b), by substituting "If the goods are claimed to be not in accordance with sample or specifications, the" for "The" at the beginning of the second sentence in paragraph (b), and by substituting "as amended," for "secs. 402, 403, 49 Stat. 1960," in the citation of authority for the section.

14. In view of the amendment of section 313 (c), Tariff Act of 1930, by section 12 (b), Customs Simplification Act of 1953, § 22.33 is amended by substituting "90 days" for "30 days" in the second sentence of paragraph (a), by changing the period at the end of such second sentence to a comma and adding "unless a longer time is specially authorized by the Bureau," by substituting "90 days" for "30 days" in the last sentence of paragraph (c), by changing the period at the end of such last sentence to a comma and adding "or within a longer period authorized by the Bureau," and by substituting "as amended," for "secs. 402, 403, 49 Stat. 1960," in the citation of authority for the section.

15. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, § 22.36 is amended by deleting "(a)" from the beginning of the first paragraph, by transferring the citation of authority for the section to the end of the present first paragraph and revising it to read "(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624.)", and by deleting the remainder of paragraph (b).

(R. S. 161, 251, sec. 624, 46 Stat. 624; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

1. To clarify the application of internal-revenue taxes in certain cases where there have violations of the customs laws, § 23.5 (c) is amended by in-

setting the following after the last sentence: "Any applicable internal-revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited."

2. For the reason last indicated, § 23.6 (d) is amended by inserting the following after the last sentence: "Any applicable internal-revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited."

3. In view of the amendment of section 489, Tariff Act of 1930, by section 18 (b), Customs Simplification Act of 1953, § 23.7 and footnote 14 appended thereto are deleted.

4. For the reason last stated, § 23.11 is amended by deleting paragraph (b) and redesignating paragraphs (c) through (i) as (b) through (h), respectively.

5. For the reason last stated, § 23.15 is deleted.

6. To revise obsolete matter, § 23.17 (a) is amended by substituting "regulations of the General Services Administration applicable to the Bureau of Customs" for "provisions of Parts 35 and 36 of Title 41, Chapter 1, of the Code of Federal Regulations" in the last sentence.

7. For the reason last stated, § 23.19 (a) is amended by substituting "the regulations of the General Services Administration applicable to the Bureau of Customs" for "T. D. 48105, as amended" at the end of the paragraph.

8. In view of the amendment of section 308, Tariff Act of 1930, by section 10 (d), Customs Simplification Act of 1953, § 23.25 is amended by deleting paragraph (d) and by redesignating paragraphs (e) and (f) as (d) and (e), respectively.

9. To revise obsolete matter, § 23.26 (a) is amended by inserting "properly" before "deposited" in the first sentence and by deleting "to the credit of the Secretary of the Treasury's Special Deposit Account No. 5" from the same sentence.

10. In view of the addition of the new section 646 to the Tariff Act of 1930 by section 22, Customs Simplification Act of 1953, Part 23 is amended by the addition at the end thereof of a new § 23.35 to read as follows:

§ 23.35 *Customs supervision.* Except as otherwise prescribed in the regulations of this chapter or by instructions from the office of the Secretary of the Treasury or the Bureau in particular cases, whenever any action or thing is required by the regulations of this chapter or by any provision of the customs or navigation laws to be done or maintained under the supervision of customs officers, such supervision shall be direct and continuous or, if the principal customs field officer shall determine that less intensive supervision will assure proper enforcement of the law and protection of the revenue, by such occasional verification as such officer shall direct. Nothing in this section shall be deemed to warrant any failure to direct and furnish a required supervision or to excuse any failure of a party in interest to comply with the prescribed procedures for obtaining any required supervision.

(Sec. 624, 46 Stat. 759, sec. 22, 67 Stat. 520; 19 U. S. C. 1624, 1646.)

11. A footnote is appended to § 23.35 to read as follows:

"Wherever in this Act any action or thing is required to be done or maintained under the supervision of customs officers, such supervision may be direct and continuous or by occasional verification as may be required by regulations of the Secretary of the Treasury, or, in the absence of such regulations for a particular case, as the principal customs officer concerned shall direct." (Sec. 646, Tariff Act of 1930, as amended; 19 U. S. C. 1646.)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624.)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. Footnote 5aa, appended to § 24.17 (a) (8), is amended by substituting "customs warehouse officer" for "storekeeper".

2. In view of the amendment of section 557 (b), Tariff Act of 1930, as amended, by section 21, Customs Simplification Act of 1953, § 24.36 (c) is amended by deleting "and regardless of any revocation of the transfer" from the third sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624.)

PART 25—CUSTOMS BONDS

1. Since certain bonds are no longer in use and for purposes of clarification, § 25.4 (a) is amended by deleting subparagraphs (5) and (33), by renumbering subparagraphs (6) through (32) as (5) through (31), respectively, by substituting "subparagraph (9)" for "subparagraph (8)" in renumbered subparagraph (10), and by substituting "parties in interest" for "owners or consignees of merchandise" in renumbered subparagraphs (24) and (25).

2. In view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, § 25.15 (a) is amended by revising the first sentence to read as follows: "A bond to assure the exportation of merchandise may be canceled upon the specification of such merchandise on the outward manifest or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel or of the departure of the vehicle, and the production of a foreign landing certificate if such certificate is required by the collector; or, if exportation or destruction is not timely in the case of articles entered under section 308, Tariff Act of 1930, as amended, upon the payment of liquidated damages in accordance with the provisions of § 10.39 of this chapter."

3. In view of the revisions of the Tariff Act of 1930 made by section 10, Customs Simplification Act of 1953, § 25.17 (d) is amended by deleting "paragraph 1607 or" from the second sentence and by inserting "as amended" after "1930," in such sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624.)

PART 30—FOREIGN TRADE ZONES

1. In view of the amendment of sections 315 and 503, Tariff Act of 1930, as amended, by sections 3 (a) and 18 (d), Customs Simplification Act of 1953, § 30.14 (k) is amended by substituting "entry is made in customs territory as stated in § 8.4 (d) of this chapter" for "a permit of delivery is issued to the designated consignee or his agent" in the first sentence and by substituting "500" for "503" in the last sentence.

2. In view of the amendment of section 309, Tariff Act of 1930, as amended, by section 11 (a), Customs Simplification Act of 1953, § 30.16 is amended to read as follows:

§ 30.16 *Supplies, equipment, and repair material for vessels or aircraft.* (a) Any article in a zone, including zone-restricted merchandise, which is suitable for use on a vessel or aircraft entitled to the privileges of section 309, Tariff Act of 1930, as amended, as supplies, equipment, or repair material may be laden on such a vessel or aircraft in the zone or transferred from the zone to such a vessel or aircraft at a port of entry in the United States outside the zone, subject to any applicable limitation prescribed in such section 309.

(b) If the article is laden on the vessel or aircraft in the zone, the provisions of § 30.15 pertaining to direct exportations from the zone shall apply. If the article is to be transferred from the zone to the vessel or aircraft at a port of entry outside the zone, the provisions of § 30.14 pertaining to transfers from a zone to customs territory for exportation shall apply, in which case, when constructive transfer to customs territory has been accomplished, the merchandise shall thereafter be liable to or exempt from duty or tax and be subject to any other applicable provisions of sections 309 and 317, Tariff Act of 1930, I. R. C. section 3451, and §§ 10.59 to 10.65, inclusive, of this chapter as though it were imported merchandise which had remained in continuous customs custody in customs territory elsewhere than in a bonded warehouse.

(c) Any article in a zone which is suitable for use as ground equipment for aircraft entitled to the privileges prescribed in section 309 or 317, Tariff Act of 1930, as amended, with respect to ground equipment may be used in the zone, or transferred to customs territory for use, as ground equipment for such aircraft without payment of duty or any internal-revenue tax imposed upon or by reason of importation.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624.)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 3, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-7801; Filed, Sept. 4, 1953; 1:02 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 508—COMPETITION WITH CIVILIAN BANDS

REVISION

Part 508 is revised as follows:

Sec.

508.1 Law governing use of bands off military reservations.

508.2 Army policy governing utilization.

AUTHORITY: §§ 501.1 and 508.2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 35, 39 Stat. 188; 10 U. S. C. 609.

SOURCE: AR 220-90, August 18, 1953, and SR 220-90-1, August 18, 1953.

§ 508.1 *Law governing use of bands off military reservations.* (a) The use of bands and orchestras and the employment or assignment of military personnel off military reservations are governed by statute as follows: No enlisted man in the active service of the United States in the Army, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions. (See sec. 35, Act of June 3, 1916 (39 Stat. 188; 10 U. S. C. 609).)

(b) This law is intended to prevent the competition of military personnel with civilians. The authority to determine whether the use of an Army band at a public gathering is prohibited by the act of June 3, 1916, is delegated to major commanders. (See § 552.18 (d) of this subchapter, and the opinion of The Judge Advocate General of the Army: JAG 322.16, May 8, 1924; Dig. Op. JAG 1912-40, sec. 320 (3), and 10 U. S. C. 905, "Right of Army musicians to furnish music in competition with civilian musicians.") It is to be noted that Chapter 163, 35 Stat. 110; 10 U. S. C. 905; May 11, 1908, states, in part:

Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

§ 508.2 *Army policy governing utilization—(a) General.* It is Department of the Army policy that when practicable Army bands will be utilized to further civil and military relations by representing the Army on occasions coordinated and sponsored jointly by civil and military organizations. Such utilization of Army bands and band personnel is governed by the broad provisions of § 508.1. Specific examples relating to the use of Army bands and band personnel on and off military reservations are set forth below for the guidance of appropriate commanders. Officials of the Army will not make arrangements with

musicians' unions which would nullify these provisions.

(b) *Examples.* (1) In accordance with the laws referred to in § 508.1, prohibiting competition with civilians, the following are examples of occasions on which bands may be legally used:

(i) All military events, when an Army band functions as part of, and in conjunction with, the Nation's military forces. The music may be broadcast or telecast with the other features of the official program for the occasion.

(ii) All official uses on military and naval installations, military and naval vessels, and under circumstances and at other places where a band is on duty with military forces.

(iii) When music is an appropriate part of official occasions attended by the superior officers of the Government and of the Department of Defense in their official capacities and in the performance of official duties. The music may be broadcast or telecast with the other features of the official program for the occasion. Such occasions do not include social events and entertainments, such as dinners, luncheons, etc., given by civilians or civic associations with such officers as guests.

(iv) Broadcasts and telecasts not for commercial purposes, originating on a military reservation, of concerts by Army bands and music furnished by an Army band as part of an entertainment.

(v) Broadcasts and telecasts not for commercial purposes, originating on a military reservation, by Army bands or any part thereof purely for recruiting drives, or for the specific official purpose of presenting to the public certain matters considered by the Department of the Army to be of sufficient importance to require dissemination by means of the radio and television systems and networks of the United States and which are not connected in any way with a commercial enterprise.

(vi) Musical programs at any United States Government hospital for the entertainment or treatment of its patients.

(vii) Concerts on the Capitol grounds, in Capitol buildings, and in public parks of the city of Washington, District of Columbia.

(viii) Free social and entertainment activities conducted exclusively for the benefit of enlisted personnel and their guests in service clubs and social centers maintained for the use of enlisted personnel.

(ix) Official occasions and free social and entertainment activities held off military reservations, provided that such free social and entertainment activities are conducted exclusively for the benefit of personnel of the Armed Forces on active duty and their guests.

(x) Parades and ceremonies incident to patriotic occasions or gatherings of personnel of the Armed Forces, veterans, and patriotic organizations.

(xi) Public rallies and parades to stimulate national interest when directed by the Department of the Army.

(xii) Fund drives for officially recognized Armed Forces relief and charitable organizations such as the Red Cross, when the benefits are donated to these agencies.

(xiii) All types of athletic contests in which one or more Armed Forces teams are participating.

(xiv) In connection purely with recruiting activities for the Armed Forces.

(xv) Broadcasts or telecasts off a military reservation, when proper clearance is obtained.

(2) Pursuant to the laws referred to in § 508.1, prohibiting competition with civilians, the following are examples of occasions for which bands will not be used:

(i) Civic parades, ceremonies, expositions, regattas, contests, festivals, local baseball or football games, activities, or celebrations, etc., except as provided in subparagraph (1) of this paragraph.

(ii) The furtherance, directly or indirectly of any public or private enterprise, board of trade and commercial clubs or associations.

(iii) Any occasion that pertains primarily in character or purpose to a party or sect.

(iv) Events for the benefit of or sponsored by civilian clubs, societies, civic or fraternal organizations.

(v) Fund drives for charitable or other special purposes of a local party, sect, or similar group.

(vi) For broadcast or telecasts off a military reservation, unless proper clearance is obtained.

[SEAL]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-7787; Filed, Sept. 8, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 156 to Schedule A]

[Rent Regulation 2, Amdt. 154 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

MAINE AND SOUTH CAROLINA

Effective September 8, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A indicated below read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Area Division.

Issued this 3d day of September 1953.
GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.
[F. R. Doc. 53-7866; Filed, Sept. 4, 1953;
1:00 p. m.]

[Rent Regulation 3, Amdt. 146 to
Schedule A]

[Rent Regulation 4, Amdt. 90 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE RENTAL AREAS

MAINE AND SOUTH CAROLINA

Effective September 8, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A indicated below read as set forth below.
(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Area Division.

[Rent Regulation 1, Amdt. 54 to Schedule B]
[Rent Regulation 2, Amdt. 55 to Schedule B]
RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND
OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

TENNESSEE

Effective September 8, 1953, Rent Regulation 1 and Rent Regulation 2 are amended by adding to Item 44 of Schedule B of Rent Regulation 1 and Item 47 of Schedule B of Rent Regulation 2 at the end thereof a new paragraph to read as follows:

(f) The provisions of this item, except paragraph "c", shall not apply to any units which were not under control on July 31, 1953, but which were brought under control by an amendment to Schedule A of this regulation on September 8, 1953, as a result of the certification of the Oak Ridge, Tennessee, Defense-Rental Area as a critical defense housing area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(138) Presque Isle-Limestone,	Maine	In AROOSTOCK COUNTY, the city of Presque Isle, and the towns of Caribou, Fort Fairfield, Limestone, Van Buren, and the Plantations of Caswell and Hamlin.	Jan. 1, 1951	Dec. 10, 1951
(276)-----	South Carolina	[Revoked and decontrolled.]		

These amendments decontrol the Parris Island (South Carolina) Defense-Rental Area and a part of the Presque Isle-Limestone (Maine) Defense-Rental Area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-7863; Filed, Sept. 4, 1953; 1:00 p. m.]

[Rent Regulation 3, Amdt. 147 to Schedule A]
[Rent Regulation 4, Amdt. 91 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

TENNESSEE

These amendments are issued as a result of the joint certification pertaining to critical defense housing areas by the Secretary of Defense and the Director of

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Maine				
(138) Presque Isle-Limestone,	B	In AROOSTOCK COUNTY, the city of Presque Isle, and the towns of Caribou, Fort Fairfield, Limestone, Van Buren, and the Plantations of Caswell and Hamlin.	Mar. 1, 1942	Dec. 1, 1942
South Carolina	O	-----	Jan. 1, 1951	Dec. 10, 1951
(276)-----		[Revoked and decontrolled.]		

These amendments decontrol the Parris Island (South Carolina) Defense-Rental Area and a part of the Presque Isle-Limestone (Maine) Defense-Rental Area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-7862; Filed, Sept. 4, 1953; 1:00 p. m.]

[Rent Regulation 1, Amdt. 157 to Schedule A]

[Rent Regulation 2, Amdt. 155 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

TENNESSEE

These amendments are issued as a result of the joint certification pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 8, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the following item of Schedules A reads as set forth below.
(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Tennessee				
(202b) Oak Ridge	B	IN ANDERSON AND ROANE COUNTIES, the town of Oak Ridge located on the Atomic Energy Commission Reservation.	Mar. 1, 1942	Aug. 1, 1943
-----	O	-----	July 31, 1953	Sept. 8, 1953

[F. R. Doc. 53-7864; Filed, Sept. 4, 1953; 1:00 p. m.]

Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 8, 1953, Rent Regulation 3 and Rent Regulation 4 are amended by adding the following item to Schedules A to read as set forth below. (Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(292b) Oak Ridge....	Tennessee.....	In ANDERSON and ROANE COUNTIES, the town of Oak Ridge located on the Atomic Energy Commission Reservation.	July 31, 1953	Sept. 8, 1953

[F. R. Doc. 53-7865; Filed, Sept. 4, 1953; 1:00 p. m.]

[Rent Regulation 3, Amdt. 23 to Schedule B]

[Rent Regulation 4, Amdt. 14 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

TENNESSEE

Effective September 8, 1953, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1953.

GLENWOOD J. SHERRARD,

Director,

Defense Rental Areas Division.

1. A new Item 26 is added to Schedule B of Rent Regulation 3, reading as follows:

26. Provisions relating to the Oak Ridge (Tennessee) Defense-Rental Area (Item 292b of Schedule A):

For the purpose of establishing maximum rents on the basis of the rent generally prevailing on the maximum rent date in the defense-rental area, the defense-rental area shall be deemed to include the counties of Blount, Knox, Anderson, and Roane, Tennessee.

2. A new Item 22 is added to Schedule B of Rent Regulation 4, reading as follows:

22. Provisions relating to the Oak Ridge (Tennessee) Defense-Rental Area (Item 292b of Schedule A):

For the purpose of establishing maximum rents on the basis of the rent generally prevailing on the maximum rent date in the defense-rental area, the defense-rental area shall be deemed to include the counties of Blount, Knox, Anderson, and Roane, Tennessee.

[F. R. Doc. 53-7867; Filed, Sept. 4, 1953; 1:01 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART D—COUNSELING

MISCELLANEOUS AMENDMENTS

1. In Part 21, the title of Subpart D is changed to read as set forth above.

2. Sections 21.700, 21.701, and 21.702 are revised to read as follows:

§ 21.700 Counseling claimants under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12). Counseling will be provided each disabled person who applies for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who meets the basic eligibility requirements set forth in § 21.40 (a) and (b). Counseling procedure will be applied to determine whether the person is in need of vocational rehabilitation and, when such need is determined to exist, to assist him in the selection of an employment objective for which he may be trained so as to be able to secure employment in an occupation best suited to his individual capacities and compatible with his disability. The selection of an occupation in which rehabilitation is to be effected will be based upon consideration of the person's interests, aptitudes, abilities, educational background, work experiences, personality traits, limitations imposed by disabilities, and any other relevant factors in relation to characteristics, requirements, and employment opportunities of occupations. Standards of counseling will be maintained in accordance with accepted professional practices, and counseling personnel will apply approved counseling principles in accordance with vocational rehabilitation and education procedures.

§ 21.701 Determination of need for vocational rehabilitation. (a) Under the provisions of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), a claimant having basic eligibility for whom training for employment in a suitable occupation is found medically feasible may be afforded training if he is found in need of vocational rehabilitation to restore employability lost by reason of a handicap due to a service-connected disability. Therefore, if medical feasibility is found, a determination will be made in each case as to whether the handicap due to the disability is of such nature as to constitute a need for vocational rehabilitation. Need will be held to exist unless there is convincing evidence that one of the conditions set forth in paragraph (b) of this section is met.

(b) A determination that need for vocational rehabilitation is not established will be made if one of the following four conditions is found to exist:

(1) Claimant is employed in a suitable occupation. If it is determined through counseling procedure that the claimant is employed in a suitable occupation in which he is prepared to compete with trained workers, need for vocational rehabilitation is not established.

(2) Claimant is employable in a suitable occupation. If it is determined through counseling procedure that a claimant who is not suitably employed is employable in a suitable occupation in which he is prepared to compete with trained workers, need for vocational rehabilitation is not established.

(3) Claimant not employed or employable but the disability causes no limitations. When, through counseling procedure, a claimant is not found employed or employable in a suitable occupation in accordance with subparagraph (1) or (2) of this paragraph, if it is determined that his failure to attain employability is due to such factors as lack of training for, or lack of experience in, a suitable occupation and it is further determined with support of medical opinion that the service-connected disability does not limit the types of employment which the veteran may secure and hold, and will not do so within the foreseeable future, need for vocational rehabilitation is not established.

(4) Loss of employability in suitable occupation not due to service-connected disability. If a claimant subsequent to separation from the Armed Forces was employed in a suitable occupation, but has lost his employability in that occupation and it is clearly shown that such loss is attributable to a non-service-connected disease or injury becoming manifest or incurred since separation from the Armed Forces, need for vocational rehabilitation is not established.

(c) For purposes of this section, an occupation will be considered a suitable occupation for a claimant when it meets the following criteria:

(1) The occupation is one which is pursued by workers in the locality where the claimant resides; and

(2) Based upon an evaluation of the veteran's service-connected disability and remaining capacities in relation to the requirements of and working conditions in the occupation, it is determined with support of medical opinion that the claimant can meet the requirements of the occupation with no greater likelihood of aggravating the disability and with no greater limitation in the pursuit of the occupation by reason of the disability than would occur in other appropriate occupations for which training might be authorized; and

(3) The occupation is one in which a trained worker normally pursues employment and earns a livelihood over a considerable period of his life; and

(4) Job requirements are such that a period of training (over and beyond vestibule training) is required to secure and hold employment in it; or

(5) Even though subparagraphs (3) and (4) of this paragraph are not met, the occupation is one in which the claimant is already performing, or may reasonably be expected to perform, in accordance with his capacity, and it is concluded that further training will not improve his employability.

(d) In addition to making a determination of need in the case of each veteran who initially applies for vocational rehabilitation, as required by paragraph (a) of this section, a determination or a redetermination of need for vocational rehabilitation will be made whenever a veteran who is otherwise eligible for such benefits and whose status is one of those described in this paragraph requests induction into training under Part VII:

(1) A veteran who entered training under Part VIII prior to making application for vocational rehabilitation.

(2) A veteran who entered training under Part VIII while a determination of need for vocational rehabilitation was pending.

(3) A veteran who entered training under Part VIII or under Public Law 550, 82d Congress, after having been found in need of vocational rehabilitation.

In the type of cases indicated in subparagraphs (1), (2), and (3) of this paragraph, when a determination is made that "need for vocational rehabilitation is established," the veteran's training status and subsistence allowance under Part VII will begin with the actual date of his induction into training under that part regardless of whether the course selected under Part VII is the same or different from that which the veteran pursued under Part VIII.

§ 21.702 *Authority to determine need for vocational rehabilitation.* Authority to determine whether a disabled person who applies for benefits under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who has basic eligibility for such benefits, is in need of vocational rehabilitation, is delegated to counseling personnel of vocational rehabilitation and education divisions of regional offices.

3. A new § 21.705 is added as follows:

§ 21.705 *Noncooperation of claimant.*

(a) Action will be suspended on a claim-

ant's application for vocational rehabilitation or on a requested change of employment objective when, after counseling personnel have given careful attention to any problems which may require personal adjustment on the part of the claimant, he refuses to cooperate:

(1) In carrying forward the counseling process so as to permit thorough and careful consideration of his ability to meet the training and employment requirements of any occupation which might be suitable for him, for example: refusing to submit to a medical examination considered necessary for the purpose of determining feasibility of training or determining current abilities and work capacity; or

(2) In the selection of an employment objective which is suitable to accomplish vocational rehabilitation in his case, for example: Insisting upon a specific objective where there is convincing evidence that such objective is not suitable for him and refusing to make selection from other suitable objectives which are offered for his consideration in the course of counseling procedure.

(b) When action is suspended because of noncooperation, the claimant will be informed of the reason for the suspension and of his right to appeal. The case will be reopened whenever the claimant gives assurance of cooperation, provided benefits under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), are not precluded by any other Veterans' Administration regulation at the time the veteran desires to reopen the case.

4. Section 21.710 *Review of initial determination that need for vocational rehabilitation is not established* is revoked.

5. Section 21.711 is revised to read as follows:

§ 21.711 *Redetermination of need—*

(a) *Prior to induction into training.* When a determination as to need for vocational rehabilitation has been made by authorized personnel, that determination will not be reopened or changed by personnel of either that office or any other office to the jurisdiction of which the veteran moves or is transferred, unless (1) there is clear and unmistakable error of fact or law; or (2) there is new and material evidence which clearly indicates the necessity for reconsideration of need; or (3) the veteran reapplies for induction into training after having been placed in status "training declined" in accordance with § 21.209. Need for vocational rehabilitation will be redetermined, however, in any case in which a determination was previously made that need for vocational rehabilitation did not exist, if evidence is received showing that the conditions basic to such determination have materially changed.

(b) *After induction into training.* (1) When upon the basis of a proper determination of need a claimant has been inducted into training, the question of need will not be reopened with a view to discontinuing training merely because of a decrease in the disability, even though the decrease be such that the disability

rating is reduced to less than compensable degree.

(2) Need will not be redetermined in the course of making revaluations for veterans in training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), or in status "interrupted" under § 21.282.

(3) Need will be redetermined in the case of veterans whose training under Part VII has been discontinued, when they are referred by the education and training section for such determination.

(4) Need will be redetermined in the case of veterans who have previously been declared rehabilitated, when they are referred by the education and training section for such determination.

6. A new § 21.712 is added as follows:

§ 21.712 *Counseling in cases requiring revaluation.* When cases are referred for revaluation for purposes of § 21.252, § 21.286, or § 21.288, counseling procedure will be applied to determine whether the employment objective previously selected is suitable to accomplish vocational rehabilitation, and if it is found not to be suitable, a new objective will be selected in accordance with the conditions and criteria for approval of a change of objective which are contained in provisions of the Veterans' Administration regulation under which the referral for revaluation was made. (See § 21.711 (b).)

7. Sections 21.715, 21.720, and 21.722 are revised to read as follows:

§ 21.715 *Vocational rehabilitation of seriously handicapped veterans.* (a) It will be the policy of the Veterans' Administration to discover and apply ways and means by which a seriously handicapped veteran may overcome the effects of his disability and become employable in an occupation which is suitable, with regard to his aptitudes, abilities, interests, and other personal characteristics, whenever, considering his circumstances and with due regard for his disability, there is sound reason to believe that the values to be realized from employment in such an occupation will be sufficient to constitute an incentive to continue employment in the occupation. To this end, the services of staff specialists in the medical and vocational rehabilitation and education divisions of regional offices will be utilized. Accordingly, there is established in each regional office a vocational rehabilitation board to be appointed by the manager and comprised of a member of the vocational rehabilitation and education counseling staff, as chairman; a member of the education and training staff; a medical consultant to the vocational rehabilitation and education division; a member of the social service staff; and a clinical psychologist, when deemed necessary. Other staff specialists will participate as consultants in individual cases whenever their services are required by the board.

(b) The board will be responsible for the functions and determinations described in this paragraph with regard to claimants whose cases are referred to the board by the counseling section or the education and training section for a

determination as to medical feasibility or for assistance in developing a plan of vocational rehabilitation.

(1) The board will obtain a comprehensive picture of the veteran's condition, personal characteristics, his limitations and residual capacities, his aptitudes, interests, and achievements, his social and economic status and relationships, using information acquired and presented by the counselor and others, and will designate members of the board to secure such additional information from the veteran or other sources as may be considered necessary to full consideration of the veteran's rehabilitation problem.

(2) The board will evaluate the data obtained by such review and inquiry, will ascertain which particular factors are critical, and will determine the effective range, even though limited, of the veteran's present and probable future work tolerances and physical and mental capacities upon which a determination as to feasibility for training and employment depend.

(3) When the present effective range of work tolerances and of physical and mental capacities is such as to preclude immediate initiation of vocational training for any suitable occupation, the board will determine as far as possible whether a program consisting of a course of therapy, restorative training, or other special rehabilitation procedures will enable the veteran subsequently to undertake vocational training for a suitable objective.

(4) If the board's determination in accordance with subparagraph (3) of this paragraph is favorable, the board will formulate a program for utilizing available resources to improve the veteran's condition so that vocational training may become feasible for him as soon as possible.

(5) When a program or plan has been developed to bring about feasibility for vocational training at some future date, and the program has been accepted by the organizational units having responsibility for carrying it out, unless the program consists of or includes special rehabilitation procedures which may be initiated immediately under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), the board will determine that training is not currently medically feasible and will also determine whether such infeasibility will probably be temporary (less than 12 months) or of indefinite (more than 12 months) duration.

(6) When it is found that no program of therapy, special rehabilitation procedures, or vocational training, or combination thereof, can reasonably be expected to enable the veteran to pursue employment in which the values to be received therefrom will provide a reasonable incentive for the veteran to continue employment in the chosen occupation after training for it is completed, the board will determine that vocational rehabilitation is permanently medically infeasible.

(7) When vocational training is found medically feasible for a seriously handicapped veteran, whose case has been referred to the board in accordance with

vocational rehabilitation and education procedure, the board will provide such assistance as may be required and practicable in the development of an effective vocational rehabilitation plan.

(c) When general medical infeasibility is found by the board in accordance with paragraph (b) (5) or (6) of this section, action will be suspended regarding vocational rehabilitation until the claimant becomes able to undertake training with reasonable assurance of making satisfactory progress toward accomplishing the purpose of the law. The claimant or his designated representative will be informed of such action and of the right to appeal. In all such cases in which infeasibility is considered temporary or indefinite, counseling personnel will ascertain at appropriate intervals whether the veteran's condition has improved to such extent that further action by the board may be in order.

(d) When a veteran who is in training or who has been training under Part VII is unable, in the opinion of the medical consultant, to continue or reenter training because of general medical infeasibility, and the case is referred to the board, it will discharge the responsibilities set forth in paragraph (b) of this section with special reference to the record of previous counseling and training. When general medical infeasibility is found by the board, the case will be returned to the education and training section for action in accordance with appropriate vocational rehabilitation and education procedures under applicable Veterans' Administration regulations. If the board finds that infeasibility will probably be temporary in accordance with paragraph (b) (5) of this section, the case will be diaried by the education and training section for followup at appropriate intervals to ascertain whether the veteran's condition apparently has improved to such extent that the case may again be referred to the board for a determination as to whether medical infeasibility still continues, or whether resumption of training is warranted because of improvement in the veteran's condition.

§ 21.720 Counseling during the 60-day period following reduction of disability rating to less than compensable degree. When a veteran having a disability rating of 10 percent or more has his rating severed or reduced to less than 10 percent, he does not, subsequent to the date of the severance or reduction of rating, meet the eligibility requirement for entrance into training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), even though he may continue to receive, for a period of 60 days or more, compensation payments based on his former rating in accordance with § 3.9 (d) or (e) of this chapter and paragraph III (b), Part I, Veterans' Regulation 2 (a), as amended (38 U. S. C. ch. 12). He is not entitled to counseling under Part VII, as amended, although he may upon his own request be provided counseling under Part VIII, or Public Law 550, 82d Congress, if he is eligible for education and training under either of those laws. Even though counseling may have been

completed in his case prior to severance or reduction of his disability rating to less than compensable degree, this fact does not make him eligible for induction into training under Part VII, as amended. In cases not falling within the provisions of § 3.9 (d) or (e) of this chapter, counseling is not precluded by the fact that a proposed reduction in the disability rating to less than a compensable degree is scheduled to occur at some future fixed date as shown by the record.

§ 21.722 Appeals from counseling determinations. (a) When the appropriate application of § 21.701 results in a determination that a claimant is not in need of vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), a letter of notification of such determination will be sent to the veteran informing him of his right to appeal and of the time limit in which the appeal must be filed. An appeal resulting from a determination of no need will be processed in accordance with §§ 21.0 to 21.2.

(b) When counseling is required in connection with a request for a change of course under Part VIII, Veterans' Regulation 1 (a), as amended, or with a request for a change of program under Public Law 550, 82d Congress, if the application of counseling procedure results in disapproval of the request, a letter of notification of such determination will be provided the veteran informing him of his right to appeal and of the time limit within which the appeal must be filed. The processing of appeals from these determinations will be in accordance with §§ 21.0 to 21.2.

8. In § 21.728, the headnote and paragraphs (a), (c), and (d) are amended and a new paragraph (e) is added as follows:

§ 21.728 Authorization of transportation, meals, and lodging for counseling appointments. (a) Transportation at Government expense may be authorized and meal and lodging requests may be issued when a claimant who has been found to have basic eligibility for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), is requested to report to a field station or to another designated place for counseling purposes, including determination of need for vocational rehabilitation, determination of medical feasibility for training, reconsideration, reevaluation, and personal adjustment counseling. The travel order will provide for return to the place from which travel was authorized. The issuance of travel authorizations for the purpose of providing personal adjustment counseling only will be restricted to those cases where the cost of transportation (exclusive of the cost of meals and lodging) does not exceed \$6 for any one trip.

(c) Transportation, meals, and lodging will not be authorized at Government expense for a claimant who is eligible only under Part VIII to report to a field station or Veterans' Administration guidance center for counseling under that part.

(d) Transportation, meals, and lodging may be authorized at Government expense for a claimant who is requested to report for a counseling appointment in accordance with paragraph (a) of this section, even though the claimant elects at the time of counseling to take training under Part VIII, Veterans' Regulation 1 (a), as amended, or under Public Law 550, 82d Congress.

(e) Transportation, meals, and lodging may be authorized at Government expense when a claimant under Public Law 550 is requested to report for counseling which is required by § 21.2015 (c) (1) or (2), or § 21.2032 (a) (1) (iii) or (2) (ii).

9. Sections 21.730 and 21.735 are revised to read as follows:

§ 21.730 *Counseling veterans under Part VIII, Veterans' Regulation 1 (a) as amended (38 U. S. C. ch. 12).* (a) Counseling is required under Part VIII, Veterans' Regulation 1 (a), as amended, for purposes set forth below:

(1) In order to determine whether a veteran who is referred for counseling under § 21.61 (h), or § 21.51 (c) (2), because of a request for a change of course, has need of such course to complete his educational or job objective and whether his aptitudes are such as to give reasonable assurance that he can successfully complete the course. A determination as to whether a veteran has need for a course of education or training in order to complete his educational or vocational objective under Part VIII is distinct from the determination of need for vocational rehabilitation, and therefore the criteria for Part VII cases contained in § 21.701 (b) have no application.

(2) In order to determine whether a request for a change of course which is referred for the application of counseling procedure in accordance with § 21.35 (e) may be approved. Approval will be granted when:

(i) The veteran is misplaced or misfitted in his present course in terms of a suitable objective; and

(ii) A different course more in keeping with his aptitudes, interests, and previous

education and experience would assist him in attaining a suitable educational or vocational objective; or

(iii) Even though subdivisions (i) and (ii) of this subparagraph are not met, the case presents most unusual, extraordinary, and meritorious circumstances which justify approval of a change of course "for most cogent reasons."

(3) In order to determine whether a request for a combination of courses involving pursuit of training under Part VIII after having entered training under Part VII, but without the veteran's having been rehabilitated, should be approved under the conditions described in this subparagraph:

(i) If the veteran's progress was unsatisfactory in his previous course under Part VII, the same determinations will be made as are required for approval of a change of course under § 21.51 (c) (2).

(ii) If the veteran is seriously handicapped, as defined in vocational rehabilitation and education procedure, a determination will be made by counseling personnel as to whether the veteran's best interests will be impaired by pursuit of the desired course under Part VIII. In such cases, if it is found through counseling procedure supported by medical opinion that the disability is of such handicapping nature that a carefully planned course of vocational rehabilitation is clearly needed and that the course desired under Part VIII would not contribute materially to the restoration of employability, a combination of courses will not be approved.

(b) Counseling, including personal adjustment counseling, will be provided upon request to an eligible veteran while he is entitled under Part VIII, Veterans' Regulation 1 (a), as amended, and applicable Veterans' Administration regulations:

(1) To initiate a course of education or training, or

(2) To change his course of education or training.

(c) The counseling techniques and methods used in providing educational and vocational guidance under Part

VIII will be the same as those applied in the counseling of veterans under Part VII, as set forth in § 21.700.

§ 21.735 *Counseling services on contract basis—(a) Authorization.* The assistant administrator for vocational rehabilitation and education or his designee is authorized to negotiate and approve contracts with educational institutions or other approved agencies for the purpose of providing services relating to the counseling of veterans who are eligible for such services under the provisions of §§ 21.700, 21.730, and 21.2300, and to establish the rates of payment which are just and reasonable for such services.

(b) *Establishment of VA guidance centers.* A decentralized location where services related to counseling are provided under contract will for Veterans' Administration purposes be designated a VA guidance center. A Veterans' Administration counselor will be assigned to represent the Veterans' Administration at each VA guidance center.

(c) *Utilization of VA guidance centers.* Guidance centers will be utilized to the greatest extent, consistent with the actual needs for counseling services, with the following exceptions:

(1) Seriously handicapped veterans for whom medical and allied services may be required in the course of counseling will be counseled in regional offices;

(2) Part VII, World War II veterans will be counseled by Veterans' Administration counselors as far as may be practicable.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation is effective September 9, 1953.

[SEAL]

H. V. STIRLING,
Acting Administrator.

[F. R. Doc. 53-7804; Filed, Sept. 8, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Parts 80, 90, 95]

[46 CFR Parts 5, 10, 25, 33, 34, 51, 52, 54, 55, 61, 71, 76, 95, 111, 113, 137, 146, 157, 160]

[CGFR 53-37]

PILOT RULES AND NAVIGATION AND VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Tuesday, September 29, 1953, commencing at 9:30 a. m., in Room 4120, Coast Guard Head-

quarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the Pilot Rules and the Navigation and Vessel Inspection Regulations as generally described in Items I to XXVIII, inclusive, below.

2. The proposed changes in the Pilot Rules and the Regulations, together with the statutory authority for making such changes are generally described by subjects in paragraphs 5 to 68, inclusive. The Merchant Marine Council Semi-annual Meeting Agenda (CG-249) has been prepared. This agenda contains the specific changes proposed and where possible the present and proposed regulations are set forth in comparison form,

together with reasons for the changes where necessary. Copies of this agenda have been mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed changes in the Pilot Rules and Regulations are

invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes should submit them in writing for receipt prior to September 25, 1953, by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a proposed section shall be submitted on Form CG-3287, showing the section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. There is a small quantity of this form attached at the end of each agenda. In the event additional forms are required, they may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander. Oral comments may be submitted before the Merchant Marine Council on September 29, 1953.

4. At this public hearing the proposed changes in the Pilot Rules and the Navigation and Vessel Inspection Regulations will be considered in the order of the item numbers assigned to the various subjects under consideration.

ITEM I—PILOT RULES—LIGHTS FOR RAFTS

5. It is proposed to amend 33 CFR 80.32 (c) in the Pilot Rules for Inland Waters, 33 CFR 90.21 (b) in the Pilot Rules for the Great Lakes, and 33 CFR 95.37 (c) in the Pilot Rules for Western Rivers. These proposed changes modify the requirements regarding the height of lights above the surface of the water for rafts and other water craft operating by hand power, horsepower, or current, by changing the distance the light must be suspended above the water from "not less than 8 feet" to "not less than 4 feet." The proposed amendments do not change the other requirements for such lights.

6. The authority for Pilot Rules for Inland Waters is in R. S. 4405, as amended, and section 2, 20 Stat. 102, as amended; 46 U. S. C. 375, 33 U. S. C. 157. The authority for Pilot Rules for the Great Lakes is in R. S. 4405, as amended, and section 3, 28 Stat. 649, as amended; 46 U. S. C. 375, 33 U. S. C. 243. The authority for Pilot Rules for the Western Rivers is in R. S. 4233A, as amended, 33 U. S. C. 353.

ITEM II—PILOT RULES FOR THE GREAT LAKES—WHISTLE LIGHTS

7. It is proposed to amend the Pilot Rules for the Great Lakes by adding a new § 90.4a to 33 CFR Part 90. The proposed new section 90.4a entitled "Visual Signal" will authorize the use of an all-around amber colored light in conjunction with the whistle sounding mechanism. This is a proposed optional pilot rule and is intended to clarify and make uniform standards for such visual signals when used.

8. The authority for Pilot Rules for the Great Lakes is in R. S. 4405, as amended, and section 3, 28 Stat. 649, as amended; 46 U. S. C. 375, 33 U. S. C. 243.

ITEM III—LAW ENFORCEMENT—OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936

9. It is proposed to establish a new Part 5 entitled "Law Enforcement" in Subchapter A (Procedures Applicable to the Public) in Chapter I in Title 46 CFR. It is proposed to establish new regulations regarding the enforcement of "Officers' Competency Certificates Convention, 1936" and R. S. 4438a, as amended (46 U. S. C. 224a), and by designating these regulations as Subpart 5.10. The proposed regulations will require every master or person in charge of a vessel subject to R. S. 4438a, as amended (46 U. S. C. 224a), or the Officers' Competency Certificates Convention, 1936, to file with the Collector of Customs a complete list of the officers employed aboard the vessel upon application for final clearance for a foreign port or upon application for a permit to touch and trade. The proposed regulations also describe the vessels subject to these requirements; authorize the Collector of Customs or the Coast Guard District Commander to detain any vessel which he has reason to believe is not in compliance with R. S. 4438a, as amended, or the Officers' Competency Certificates Convention, 1936; and sets forth the procedures for an appeal to the Commandant, United States Coast Guard, whose decision in each case is final in effect.

10. The authority for regulations regarding the Officers' Competency Certificates Convention, 1936, and enabling legislation is in R. S. 4405, as amended, 4462, as amended, and 4438a, as amended; 46 U. S. C. 375, 416, 224a.

ITEM IV—MERCHANT MARINE OFFICERS—EXAMINATION SUBJECTS FOR DECK OFFICERS ON OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

11. It is proposed to amend 46 CFR 10.05-45 (b) by revising Table 10.05-45 (b). The proposed change revises the list of examination subjects and the types of examination given to candidates for licenses issued to deck officers of ocean and coastwise steam or motor vessels in order to reflect current practices used in the merchant marine. These changes will substitute navigation problems requiring either a fix or running fix as an answer in lieu of the locations of the "computed point"; permit use of questions on additional subjects; and revise certain subject titles to agree with current examinations being used by the Coast Guard.

12. The authority for regulations regarding licensing of merchant marine officers is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. This regulation interprets or applies R. S. 4438, 4438a, 4439, 4440, 4442, as amended, sections 1 and 2, 49 Stat. 1544, and section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 224, 224a, 226, 228, 214, 367, 50 U. S. C. App. 1275.

ITEM V—MOTORBOAT OPERATOR'S LICENSE—APPLICANTS' EVIDENCE OF EXPERIENCE

13. It is proposed to amend 46 CFR 10.20-3 (a) to require applicants for

license as motorboat operator to show at least one year's experience in the operation of motorboats. This proposed requirement is considered necessary in the interest of safety of life at sea and provides a minimum standard for determining the applicant's qualifications concerning the operation of small boats.

14. The authority for regulations regarding motorboat operators' licenses is in R. S. 4405, as amended, and section 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 526p.

ITEM VI—UNINSPECTED VESSELS—FIRE EXTINGUISHING EQUIPMENT FOR OUTBOARD MOTORBOATS

15. It is proposed to amend 46 CFR 25.30-20 (a) to require all outboard motorboats not carrying passengers for hire to carry hand portable fire extinguishers except for outboard motorboats of the rowboat or canoe type which are less than 26 feet in length. At present many outboard motorboats are being built with cabins and other enclosed spaces and often have portable gasoline tanks as part of the accessory equipment. This proposed requirement is considered necessary in the interest of safety of life at sea because of the fire hazards present. The proposed requirements for outboard motorboats are the same as present requirements for similar motorboats equipped with permanently installed motors.

16. The authority for regulations regarding fire extinguishing equipment for motorboats is in R. S. 4405, as amended, 4462, as amended, and section 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p. This regulation interprets or applies section 2, 54 Stat. 1028, as amended; 46 U. S. C. 463a.

ITEM VII—ALL INSPECTED VESSELS—FIRE PROTECTION EQUIPMENT—FIRE HOSE COUPLING THREADS

17. It is proposed to amend 46 CFR 34.10-25 (b) and to add 46 CFR 34.10-30 (f) in the Tank Vessel Regulations, to amend 46 CFR 76.10-10 (1) in the Passenger Vessel Regulations, and to amend 46 CFR 95.10-10 (1) in the Cargo and Miscellaneous Vessel Regulations regarding the number of threads used in fire hose couplings. The proposed changes establish a standard of 9 threads per inch for 1½ inch fire hose couplings in lieu of the 11½ threads per inch standard now in use and would apply to new construction. This proposal is in accord with the recommendations of the National Fire Protection Association and many other leading fire safety organizations. In addition, Recommendation 8 of the International Convention for the Safety of Life at Sea, 1948, stated that endeavors should be made to secure standardization of couplings for fire hoses in order to facilitate using shore based fire fighting facilities to deal with fires on board ships in port. In view of the general and growing acceptance of the 9 threads per inch standard for 1½ inch fire hose couplings, it is proposed to accept this standard for new construction.

18. The authority for regulations regarding fire protection equipment on tank vessels is in R. S. 4405, as amended,

4417a, as amended, and 4462, as amended; 46 U. S. C. 375, 391a, 416; and interpretations or applies section 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp. The authority for regulations regarding fire protection equipment on passenger vessels or cargo and miscellaneous vessels is in R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 2, 54 Stat. 1028, and section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM VIII—TANK VESSELS—LIFESAVING APPLIANCES

19. It is proposed to amend 46 CFR 33.05-2 (c), 33.15-3, and 33.20-1 (c) in the Tank Vessel Regulations. These proposed changes modify the regulations for lifeboats, life rafts, and buoyant apparatus on tank vessels by making the requirements for hand-propelled or motor-propelled lifeboat, portable radio-telegraph apparatus, and deck illumination applicable only to tank vessels on international voyages rather than in ocean or coastwise service. These proposed changes will bring the requirements for tank vessels into agreement with similar requirements presently applicable to inspected dry-cargo vessels. These regulations implement the 1948 Convention for the Safety of Life at Sea.

20. The authority for regulations regarding lifesaving appliances on tank vessels is in R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416; and interpretations or applies section 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM IX—MARINE ENGINEERING REGULATIONS—MATERIALS AND CONSTRUCTION

21. It is proposed to amend the tables in 46 CFR 51.04-1, 51.07-1, 51.13-1, 51.25-1, 51.34-1, 51.46-1, 51.49-1, 51.58-1, 51.67-1, 51.70-1, 51.73-1, and 51.76-1 with respect to standard specifications issued by the American Society for Testing Materials. The proposed changes revise or add new specifications and/or grades of materials in accordance with revised or new standards issued by the American Society for Testing Materials. It is also proposed to amend Table 52.05-10 (a) in 46 CFR 52.05-10 by adding maximum allowable stress values for steel forgings and steel castings for the proposed new grades of material to be allowed.

22. It is proposed to delete 46 CFR 52.01-80 regarding boilers on barges since this regulation has served its purpose. It is proposed to delete 46 CFR 52.24-10 (i) regarding the detailed requirements for manhole and handhole openings in externally fired boilers since this requirement was published in error.

23. It is proposed to amend 46 CFR 52.05-5 (a), 52.15-5 (a), 52.20-5 (a), and 52.22-5 (a) regarding the require-

ments for materials to be used in boilers. In certain cases, such as pipe caps and small plate end closures in heads, class B material will be permitted, while in all other cases the plate must be of inspected material.

24. It is proposed to amend 46 CFR 52.35-20 (f) to provide for the welded attachment of stays and staybolts in fire tube boilers. This proposal is in accord with the American Society of Mechanical Engineers' Boiler Code.

25. It is proposed to revise 46 CFR 52.55-10 (a) and Table 52.55-10 (a2) by deleting their application to electric-resistance-welded boiler tubes so that these requirements will be applicable to only seamless steel tubing. This proposal is made because a joint efficiency of 0.85 has been incorporated in the stress values for electric-resistance-welded tubes which reduces the stress values below those specified for seamless steel tubing of similar material.

26. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM X—MARINE ENGINEERING REGULATIONS—UNFIRED PRESSURE VESSELS

27. It is proposed to amend 46 CFR 54.03-15 in connection with the requirements for tube sheets. These proposed changes include new formulas and should clarify the requirements. The proposed changes are also in accord with the Tubular Exchangers Manufacturer's Association standards regarding the design of tube sheets in unfired pressure vessels.

28. It is proposed to amend 46 CFR 54.03-20 (a) regarding the maximum allowable pressure and the minimum thickness of tubes for heat exchangers by defining the temperature at which the "S" values are to be taken from Table 52.05-10 (a) or 54.03-10 (c).

29. It is proposed to amend 46 CFR 54.03-35 regarding inspection openings in unfired pressure vessels 16 inches or less inside diameter. The proposed changes are in accord with the revised American Society for Mechanical Engineers' Code for unfired pressure vessels.

30. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App.

1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XI—MARINE ENGINEERING REGULATIONS—PIPING

31. It is proposed to amend 46 CFR 55.07-5 in the Marine Engineering Regulations by adding a requirement that alloy steel bent pipe should be heat treated in order to remove locked-up stresses as well as to refine the grain structure.

32. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XII—MARINE ENGINEERING REGULATIONS—INSPECTIONS—TAIL SHAFT SURVEY

33. It is proposed to amend 46 CFR 61.15-15 and to add a new § 61.15-16 regarding requirements for tail shaft surveys. The proposed changes will require only ocean and coastwise vessels to have tail shaft surveys at least once every two years unless the tail shafts are fitted with continuous liners when such surveys will be at least once every three years. The proposed amendments will cancel the specific requirements for tail shaft surveys for vessels operating in fresh water or salt water, but not on ocean or coastwise routes. The proposed changes also provide that only when a vessel is drydocked will a drydock examination of the propeller, stern bushing, sea connections, and fastenings be required and then only if deemed necessary by the inspector.

34. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XIII—PASSENGER VESSELS—SPECIAL SURVEYS FOR UNCLASSIFIED PASSENGER VESSELS

35. It is proposed to delete 46 CFR 61.15-1 in the Marine Engineering Regulations, 46 CFR Subpart 71.35, containing §§ 71.35-1 to 71.35-45 in the Passenger Vessel Regulations, and 46 CFR 111.05-10 (e) in the Electrical Engineering Regulations regarding special surveys for unclassified passenger vessels. It is proposed to delete the listing of require-

ments for special surveys of unclassified passenger vessels because such surveys are in effect extensions of the inspection work normally carried out at the annual inspections. Under other regulations this work will be done as deemed necessary at the time of annual inspections and the inspection standards will not be lowered.

36. The authority for regulations regarding special surveys for unclassified passenger vessels is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428-4430, 4433, 4434, and 4453, as amended, section 14, 29 Stat. 690, sections 10 and 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, section 3, 54 Stat. 346, and section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406-408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XIV—ELECTRICAL ENGINEERING REGULATIONS—MEANS OF COMMUNICATION BETWEEN RADIO ROOM AND WHEELHOUSE AND "ONE OTHER PLACE"

37. It is proposed to amend 46 CFR 113.30-5 (a) (1) in the Electrical Engineering Regulations. It is proposed to clarify the meaning of the phrase "one other place" by adding a statement describing it as a place from which a vessel may be navigated. This regulation implements Regulation 9 (b) of Chapter IV of the 1948 Convention for the Safety of Life at Sea.

38. The authority to issue Electrical Engineering Regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, and section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XV—SUSPENSION AND REVOCATION PROCEEDINGS—STATEMENTS OF POLICY

39. It is proposed to amend 46 CFR Part 137, regarding suspension and revocation proceedings by adding a new Subpart 137.03, containing §§ 137.03-1 to 137.03-30, and § 137.21-10. The proposed regulations set forth statements of policy of the Coast Guard followed in suspension and revocation proceedings affecting merchant mariner's licenses or certificates or documents. The proposed statements cover offenses for which revocation of license or certificate or document is mandatory, offenses for which revocation of license or certificate or document is sought, maritime labor disputes, refusal or failure to obey an order, mental or physical incompetence, surrender of license or document to avoid responding to charges, issuance of a new license or certificate or document in

place of those revoked, and a statement regarding evidence of wrongful possession of narcotics.

40. The authority for regulations regarding suspension and revocation proceedings is in R. S. 4405, as amended, sections 1 and 2, 49 Stat. 1544, and section 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. App. 1275. These regulations interpret or apply R. S. 4450, as amended, 46 U. S. C. 239.

ITEM XVI—SUSPENSION AND REVOCATION PROCEEDINGS—REVIEW OF EXAMINERS' DECISIONS

41. It is proposed to amend 46 CFR Part 137 in the regulations governing suspension and revocation proceedings by amending § 137.09-75, and by adding a new § 137.07-95 and a new Subpart 137.12, containing §§ 137.12-1 to 137.12-15, inclusive, regarding review of examiners' decisions. The proposed regulations provide procedures and authority whereby the Commandant may initiate a review of suspension and revocation proceedings to correct certain inequities. This review will be limited to questions of law, fact, and policy and will be based on the record of proceedings before the examiner. In no case will the review be followed by a Commandant's order having the effect of increasing the severity of the examiner's original order. By a use of discretionary review by the Commandant, uniformity in orders in similar types of cases which have been heard by different examiners in different parts of the country will be possible.

42. The authority for regulations regarding suspension and revocation proceedings is in R. S. 4405, as amended, sections 1 and 2, 49 Stat. 1544, and section 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. App. 1275. These regulations interpret or apply R. S. 4450, as amended, 46 U. S. C. 239.

ITEM XVII—DANGEROUS CARGO REGULATIONS—REPAIRS OR ANY WORK INVOLVING WELDING OR BURNING

43. It is proposed to amend 46 CFR 146.02-20 in the Dangerous Cargo Regulations by changing the specific regulations governing repair work involving welding or burning on board vessels handling dangerous cargo. The proposed changes will require additional precautions and are intended to further protect against the possibility of fire or other casualty.

44. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XVIII—DANGEROUS CARGO REGULATIONS—REVISIONS TO AGREE WITH ICC REGULATIONS AND EDITORIAL CHANGES

45. It is proposed to amend 46 CFR 146.03-19, 146.04-5, 146.05-3, 146.05-15, and 146.05-16 in Dangerous Cargo Regulations so that these requirements will be as nearly parallel as practicable with the revised regulations of the Interstate

Commerce Commission which govern the land transportation of various dangerous and hazardous cargoes. The proposed changes deal with requirements regarding inside containers, listing of explosives and other dangerous articles and combustible liquids, requirements regarding mixed packing, and the marking and labeling for domestic shipments only, and for mixed packages.

46. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XIX—DANGEROUS CARGO REGULATIONS—EXPLOSIVES

47. It is proposed to amend 46 CFR 146.20-7, 146.20-9, 146.20-11, 146.20-13, 146.20-90, 146.20-100, and 146.20-300 in the Dangerous Cargo Regulations so that the requirements governing explosives will be up to date and as nearly parallel as practicable with the Interstate Commerce Commission Regulations governing the land transportation of explosives. The proposed changes deal with class A explosives with respect to boosters, bursters, and supplementary charges, and charged oil well jet perforating guns; class B explosives with respect to special fire works; class C explosives with respect to percussion fuzes, igniters, etc., and common fire works; samples of explosives and explosive articles for laboratory and examination purposes; stowage and storage of explosives and other dangerous articles; Table A—Classification: Class A; Dangerous Explosives, and Table C—Classification: Class C; Relatively Safe Explosives.

48. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XX—DANGEROUS CARGO REGULATIONS—INFLAMMABLE LIQUIDS

49. It is proposed to amend 46 CFR 146.21-65, and 146.21-100 and to delete 46 CFR 146.21-5 in the Dangerous Cargo Regulations so that the requirements regarding inflammable liquids will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of inflammable liquids. The proposed changes will revise the definition of inflammable (flammable) liquids, revise the requirements regarding limited quantity shipments, and Table D—Classification: Inflammable Liquids.

50. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXI—DANGEROUS CARGO REGULATIONS—INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

51. It is proposed to amend 46 CFR 146.22-25 and 146.22-100 in the Dangerous Cargo Regulations so that the requirements governing inflammable solids and oxidizing materials will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of inflammable solids and oxidizing materials. The proposed changes deal with nickel catalyst finely divided, activated or spent, and a revision of Table E—Classification: Solids and Oxidizing Materials.

52. It is also proposed to add a new § 146.22-35, regarding the bulk transportation of elemental phosphorus in water to 46 CFR Part 146. The proposed regulations will provide the necessary safety measures compatible with the requirements for bulk shipments of other commodities.

53. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXII—DANGEROUS CARGO REGULATIONS—CORROSIVE LIQUIDS

54. It is proposed to amend 46 CFR 146.23-100 in the Dangerous Cargo Regulations so that the requirements governing corrosive liquids will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of corrosive liquids. The proposed changes revise and bring up to date the requirements in Table F—Classification: Corrosive Liquids.

55. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXIII—DANGEROUS CARGO REGULATIONS—COMPRESSED GASES

56. It is proposed to amend 46 CFR 146.24-30 to 146.24-50, inclusive, and 146.24-80 in the Dangerous Cargo Regulations regarding the requirements for "on deck" and "under deck" stowage of cylinders of compressed gases and requirements governing the transportation of liquid chlorine in bulk. The proposed regulations regarding the transportation of liquid chlorine in bulk revise the requirements so that they will be compatible with other regulations governing the bulk transportation of other compressed gases.

57. It is proposed to amend 46 CFR 146.24-1 and 146.24-100 and to delete 46 CFR 146.24-5 in the Dangerous Cargo Regulations so that these requirements will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of compressed

gases. The proposed changes revise the definition of compressed gases and the requirements in Table G—Classification: Compressed Gases.

58. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXIV—DANGEROUS CARGO REGULATIONS—POISONOUS ARTICLES

59. It is proposed to amend 46 CFR 146.25-55 and 146.25-200 in the Dangerous Cargo Regulations so that these requirements will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of poisonous articles. The proposed changes bring up to date and revise the requirements regarding exemptions for poisons, class B, and Table H—Classification: Class B, Less Dangerous Poisons.

60. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXV—DANGEROUS CARGO REGULATIONS—COMBUSTIBLE LIQUIDS

61. It is proposed to amend 46 CFR 146.26-100 in the Dangerous Cargo Regulations by revising Table J—Classification: Combustible Liquids with respect to leather cement and furfural.

62. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXVI—DANGEROUS CARGO REGULATIONS—HAZARDOUS ARTICLES

63. It is proposed to amend 46 CFR 146.27-100 in the Dangerous Cargo Regulations in Table K—Hazardous Articles with respect to the requirements governing the water transportation of cotton. The proposed changes revise and bring up to date the safety precautions to be followed in the transportation of cotton.

64. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XXVII—MANNING OF VESSELS—LICENSED OPERATORS OF MOTORBOATS

65. It is proposed to amend 46 CFR 157.30-30 regarding licensed operators of motorboats in the regulations governing the manning of vessels. The proposed change clarifies the requirements for licensed operators for motorboats carrying passengers for hire and deletes reference to R. S. 4426, as amended, 46

U. S. C. 404. The proposed regulation will require a licensed motorboat operator for every motorboat carrying passengers for hire.

66. The authority for regulations regarding the manning of vessels is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulation interprets or applies sections 7 to 17, 54 Stat. 165, 166, as amended, 46 U. S. C. 526f, 526p.

ITEM XXVIII—SPECIFICATIONS—BUOYANT APPARATUS AND LIFE FLOATS

67. It is proposed to amend 46 CFR 160.010-7 (e), 160.027-1 (a), 160.027-4 (a), and 160.027-7 (e) in the specification requirements for buoyant apparatus and life floats, respectively. The proposed changes will permit an alternate test method consisting of beam loading tests to determine the body strength of such equipment. In addition, editorial changes are proposed in the specification for life floats to bring it up to date.

68. The authority for regulations regarding buoyant apparatus and life floats is in R. S. 4405, as amended, 4483, as amended, and 4491, as amended, 46 U. S. C. 375, 481, 489. These regulations interpret or apply R. S. 4417a, 4426, as amended, sections 1 and 2, 49 Stat. 1544, 54 Stat. 346, and section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 1333, 50 U. S. C. App. 1275.

Dated: September 1, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 53-7803; Filed, Sept. 8, 1953;
8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, and 42]

SMOKE AND FIRE DETECTORS

PROPOSED SPECIAL CIVIL AIR REGULATION

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation which will terminate the waiver for smoke and fire detectors in two years.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 21, 1953. Copies of such communications will be available after September 23, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation SR-329 provides that no air carrier shall be required to install or maintain smoke or fire detectors, other than heat detectors, unless otherwise directed by the Administrator. SR-329 also refers to § 61.30

and to the dates by which compliance with the requirements of that section must be accomplished. On October 1, 1953, Part 61 will be rescinded and revised Part 40 will become effective. In view of this, the references in Special Civil Air Regulation SR-329 to § 61.30 and to past compliance dates are either unnecessary or no longer appropriate. Accordingly, this Special Civil Air Regulation, which is proposed to become effective on October 1, 1953, would continue the substance of those provisions of SR-329 which are still in effect and remove those provisions which are no longer appropriate. This proposed regulation, however, will continue these provisions for only one year by which time suitable smoke and fire detectors should be installed.

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide as follows:

Notwithstanding the provisions of Parts 4b, 40, 41, and 42, no person shall be required to install or maintain smoke or fire detectors, other than heat detectors, in aircraft unless otherwise directed by the Administrator.

It is proposed that this regulation supersede Special Civil Air Regulation Serial Number SR-329 and be effective for one year.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated September 1, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 53-7808; Filed, Sept. 8, 1953;
8:48 a. m.]

[14 CFR Part 40]

CHECK AIRMEN AND FLIGHT CHECK OF FLIGHT ENGINEERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to revised Part 40 of the Civil Air Regulations which will clarify the intent of the provisions concerning check airmen and the flight checking of flight engineers.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure

their consideration by the Board before taking further action on the proposed rule, communications must be received by September 25, 1953. Copies of such communications will be available after September 29, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

A revised Part 40 was adopted by the Board April 13, 1953, to become effective October 1, 1953. This revised part will supersede currently effective Parts 40 and 61, the certification and operating rules for domestic scheduled air carriers. Prior to adoption of Part 40, oral argument was heard by the Board on January 8, 1953. One of the matters presented during that oral argument was a proposal that § 40.280 (b) require that check airmen "be actively engaged in the same occupation as the airman being checked." In discussing the Board's decision with respect to the proposal, the explanatory statement to Part 40 states as follows:

*** the Board concluded that no justification was presented for so restrictive a limitation upon managerial discretion. The Board was concerned, however, with an expressed view that "a holder of an airline transport pilot license who is trained and qualified on the equipment meets the requirements of the last sentence of § 40.280 (b)". Since this construction is not consistent with the Board's intent in proposing the requirement, an amendment of this section has been made to clarify the Board's intent that check airmen shall possess the certificates and ratings required to be held by the airman being checked.

The Board then adopted § 40.280 (b) with respect to check airmen. Certain persons have protested, however, that the present language of § 40.280 (b) is susceptible of a construction which would prohibit the checking of a flight engineer in flight for any purpose unless such check is given by a check airman holding a flight engineer's certificate. It was further contended that this would not only interfere unduly with managerial discretion in the training and determination of competency of flight engineers, but would also raise serious doubts concerning the relationship between the pilot in command of an aircraft and a flight engineer. Such a construction of this requirement was obviously not intended. Instead, the Board intended that the check airmen referred to in § 40.280 (b) be required for flight checks only when flight checks are required by Part 40. The purpose of the first amendment proposed by this notice is to clarify the intent of § 40.280 (b).

In analyzing the requirement for checking flight engineers, it was noted that ambiguity exists concerning when flight checks are required. It was intended that § 40.307 (Flight Engineers Qualification for Duty) state the conditions which a flight engineer must fulfill to qualify for duty on a particular airplane. The section clearly indicates that a flight engineer may be assigned to and perform duties on a particular type of airplane without a check, if he has had 50 hours experience within the

preceding 6-month period on that type of airplane. In the absence of this recent experience, a flight engineer must be given a check. It will be observed, however, that § 40.307 does not specify that the check to be given must include a flight check. This section was intended to provide that in the absence of the required experience in a particular type of airplane, a flight engineer shall be given a flight check. It was contemplated that this check would most likely be necessary only at the time of initial employment of a flight engineer or following an interruption of duty in a particular type of airplane in excess of six months. Although the original check of a flight engineer in a particular type of airplane must include a check in flight, it is considered that with respect to any subsequent check of that individual which may be necessary on that type of airplane the purpose of flight engineer qualification can be maintained by permitting the check to be made in a synthetic trainer. The purpose of the second amendment proposed by this notice is to clarify § 40.307 with respect to when a flight check is necessary for a flight engineer to qualify for duty on a particular type airplane.

Analysis of the relationship between the two proposed amendments clearly indicates that the check airmen required by § 40.280 (b) are necessary for checking flight engineers only to the extent necessary to accomplish the flight checks required by Part 40.

Accordingly, notice is hereby given that the Board proposes to amend revised Part 40 of the Civil Air Regulations, as follows:

1. By deleting the second sentence of § 40.280 (b) and substituting in lieu thereof the following: "There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked."

2. By amending § 40.307 by adding a new sentence at the end thereof to read as follows: "This check shall include a check in flight; *Provided*, That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight."

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated September 3, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-7807; Filed, Sept. 8, 1953;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 504;
CORRECTION

AUGUST 27, 1953.

Alaska Shorespace Restoration Order No. 504 of October 23, 1952, is hereby corrected as follows:

That portion of the land description which refers to lands in T. 1 S., R. 2 E., Fairbanks Meridian, is corrected by substituting "Section 28" for "Section 26", so that this description now reads as follows:

T. 1 S., R. 2 E.,
Sec. 21;
Sec. 28.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 53-7788; Filed, Sept. 8, 1953;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4341]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 26, 1953.

Inasmuch as Shenandoah Valley Electric Cooperative has transferred certain of its properties and assets to Baker Electric Cooperative, Inc., and Baker Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Shenandoah Valley Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1042, dated April 12, 1946, by changing the project designation appearing therein as "Virginia 11X Rockingham" in the amount of \$840,000 to read "Virginia 11X Rockingham" in the amount of \$823,545.87 and "North Dakota 8TP1 Benson (Virginia 11X Rockingham)" in the amount of \$16,454.13.

[SEAL] ANCHER NELSON,
Administrator.

[F. R. Doc. 53-7829; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4342]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 26, 1953.

Inasmuch as Dawson County Public Power District has transferred certain of its properties and assets to McCook Public Power District, and McCook Public Power District has assumed in part the indebtedness to United States of America, of Dawson County Public Power District, arising out of loans made by

No. 176—6

United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1320, dated August 21, 1947, by changing the project designation appearing therein as "Nebraska 78T Dawson District Public" in the amount of \$627,000 to read "Nebraska 78T Dawson District Public" in the amount of \$591,234.48 and "Nebraska 79TP1 Red Willow District Public (Nebraska 78T Dawson District Public)" in the amount of \$35,765.52.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7830; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4343]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Minnesota 82S Becker..... \$600,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7831; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4344]

ALABAMA

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Alabama 26N Barbour..... \$365,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7832; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4345]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation: Amount
Texas 47 U Deaf Smith..... \$618,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7833; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4346]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Georgia 94L Jones..... \$80,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7834; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4347]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Georgia 88V Telfair..... \$365,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7835; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4348]

WASHINGTON

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Washington 20 N Columbia..... \$265,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-7836; Filed, Sept. 8, 1953;
8:51 a. m.]

[Administrative Order 4349]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 97K Dooley.....	\$150,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7837; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4350]

ILLINOIS

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 26V Iroquois.....	\$220,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7838; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4351]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 48 R Hidalgo.....	\$590,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7839; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4352]

ALASKA

LOAN ANNOUNCEMENT

AUGUST 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 5G Kenal.....	\$25,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7840; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4353]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 18K Rush.....	\$70,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7841; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4354]

LOUISIANA

LOAN ANNOUNCEMENT

AUGUST 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 15 N Pointe Coupee....	\$63,000

[SEAL]

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7842; Filed, Sept. 8, 1953;
8:52 a. m.]

[Administrative Order 4355]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 33H Custer.....	\$75,000

ANCHER NELSEN,
Administrator.[F. R. Doc. 53-7843; Filed, Sept. 8, 1953;
8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

COMBINED CENSUS OPERATIONS DIVISION

ABOLISHMENT

The Combined Census Operations Division, which was established to perform certain functions in connection with the 1953 Censuses of Industry and Trade, is abolished effective August 28, 1953. The notice appearing at 18 F. R. 1337 is, therefore, revoked.

ROBERT B. MURRAY, JR.,
Acting Secretary of Commerce.

[F. R. Doc. 53-7811; Filed, Sept. 8, 1953;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3303]

NORTHERN CONSOLIDATED AIRLINES, INC.,
MAIL RATES

NOTICE OF ORAL ARGUMENT

In the matter of Northern Consolidated Airlines, Inc., mail rates.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held September 24, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 3, 1953.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.[F. R. Doc. 53-7809; Filed, Sept. 8, 1953;
8:48 a. m.]

[Docket No. 5777 et al.]

FRONTIER AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Frontier Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Miles City, Sidney, Wolf Point, Billings, and Glendive, Mont., and Williston and Dickinson, N. Dak., and certain investigations relating to air transportation in the Williston Basin Area, Docket Nos. 5777, 5708, 5724, 5725, 5726, 5727, 5741, 5788, 6144, 6146, and 6155.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will commence on September 21, 1953, at 10:00 a. m., c. s. t., on the main floor of the Billings Chamber of Commerce Building, 301 North 27th Street, Billings, Mont., before Examiner Paul N. Pfeiffer; and will be recessed for further hearing commencing at 10:00 a. m., c. s. t., September 24, 1953, in the Williams County Courthouse, Williston, N. Dak.; and further recessed for the final session commencing at 10:00 a. m., e. s. t., September 28, 1953, in Room

E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C.

Without limiting the scope of the issues presented by the applications and investigations consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of Frontier Airline's existing temporary certificate of public convenience and necessity for route No. 73 so as to authorize the air transportation of persons, property and mail along the following route:

(a) Between terminal points Billings, Mont., and Bismarck-Mandan, N. Dak., via intermediate points Miles City, Glendive, and Sidney, Mont., and Williston and Minot, N. Dak.

(b) Between the terminal points Bismarck-Mandan, N. Dak., and Great Falls, Mont., via the intermediate points Dickinson and Williston, N. Dak., Wolf Point, Glasgow, Malta, Havre, and Shelby, Mont.

2. Whether the public convenience and necessity require and the Board should order the amendment, modification or alteration of the certificate held by Braniff Airways so as to require service to Williston, N. Dak., and/or to authorize suspension of service between Minot and Bismarck-Mandan, N. Dak.

3. Whether the public convenience and necessity require the amendment, modification, or alteration of the certificate held by Northwest Airlines, Inc., so as to require service to Williston and/or Minot, N. Dak., and/or authorize suspension of service at Miles City, Mont.?

4. Are the applicants fit, willing, and able to conduct the proposed air transportation and to conform to the provisions of the Act and the Regulations of the Board thereunder?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before September 21, 1953, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., September 2, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7810; Filed, Sept. 8, 1953; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3253]

FLOUR MILLS OF AMERICA, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the Midwest Stock Exchange, in the \$5.00 par

value Common Stock of Flour Mills of America, Inc.; File No. 1-3253.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of September A. D. 1953.

The Commission by order adopted on August 11, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the \$5.00 par value common stock of Flour Mills of America, Inc. on the Midwest Stock Exchange and subsequently having entered additional orders further suspending such trading, in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the Midwest Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on September 3, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7790; Filed, Sept. 8, 1953; 8:45 a. m.]

[File Nos. 54-159, 54-160, 54-162, 54-164]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM
ORDER POSTPONING HEARING ON FEE CLAIMS
OF REPRESENTATIVES OF DEBENTURE
HOLDERS

SEPTEMBER 2, 1953.

Upon informal request of certain of the interested parties and for good cause shown,

It is ordered, That the hearing on the fee claims of representatives of the debenture holders of International Hydro-Electric System, heretofore set for September 9, 1953, be and is hereby postponed to September 23, 1953 at 10 o'clock a. m., e. d. s. t.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7791; Filed, Sept. 8, 1953; 8:45 a. m.]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Pittsburgh Stock Exchange for unlisted trading privileges in Arkansas Louisiana Gas Company, Common Stock, \$5 Par Value; File No. 7-1570.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of September A. D. 1953.

The Pittsburgh Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of Arkansas Louisiana Gas Company, a security registered and listed on the American Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 25, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7792; Filed, Sept. 8, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2047]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS

SEPTEMBER 2, 1953.

Upon consideration of the motion of Staff Counsel filed September 1, 1953, for extension of time;

Notice is hereby given that an extension of time to and including September 22, 1953, is granted for filing exceptions to the decision of the Presiding Examiner in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7789; Filed, Sept. 8, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28404]

ASPHALT FROM ST. LOUIS, MO., DISTRICT, LAWRENCEVILLE AND ROBINSON, ILL., TO KENTUCKY

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 726.

Commodities involved: Asphalt and petroleum road oil, carloads.

From: St. Louis, Mo., district, Lawrenceville and Robinson, Ill.

To: Points in Kentucky.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7793; Filed, Sept. 8, 1953;
8:46 a. m.]

[4th Sec. Application 28405]

RUBBER TIRES FROM CONSHOHOCKEN, PA., TO COLUMBUS AND GREENVILLE, MISS., AND SPARTANBURG, S. C.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Tires, rubber, pneumatic, and parts, carloads.

From: Conshohocken, Pa.

To: Columbus and Greenville, Miss., and Spartanburg, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, tariff I. C. C. No. A-968, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7794; Filed, Sept. 8, 1953;
8:46 a. m.]

[4th Sec. Application 28406]

PETROLEUM PRODUCTS FROM CROSSVILLE AND MARFAK, ILL., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 726.

Commodities involved: Petroleum products, carloads.

From: Crossville and Marfak, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7795; Filed, Sept. 8, 1953;
8:46 a. m.]

[4th Sec. Application 28407]

PETROLEUM PRODUCTS FROM CENTRALIA, ILL., GROUP TO THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 726.

Commodities involved: Petroleum products, carloads.

From: Centralia, Oil Center, Pana, Robinett, St. Elmo, Selma, and Schlo Spur, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7796; Filed, Sept. 8, 1953;
8:46 a. m.]

[4th Sec. Application 28408]

RAYON TIRE FABRIC FROM POINTS IN OHIO TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Rayon tire fabric, carloads.

From: Cleveland, Fairport Harbor, Painesville, and Perry, Ohio.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice

of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7797; Filed, Sept. 8, 1953;
8:47 a. m.]

[4th Sec. Application 28409]

CRUDE SULPHUR FROM POINTS IN LOUISIANA AND TEXAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas, including Houston, Tex.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7798; Filed, Sept. 8, 1953;
8:47 a. m.]

[4th Sec. Application 28410]
COMMODITY RATES TO AND FROM
CORONET, VA.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Uniform Freight Classification, Alternate Agent A. H. Carson's I. C. C. No. A-1.

Involving: Commodity rates.

Between: Coronet, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7799; Filed, Sept. 8, 1953;
8:47 a. m.]

[4th Sec. Application 28411]

SAND FROM VINCENNES, IND., TO HUEY, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Sand, carloads.

From: Vincennes, Ind.

To: Huey, Ill.

Grounds for relief: Wayside pit competition. Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company tariff I. C. C. No. 24048, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission

in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7800; Filed, Sept. 8, 1953;
8:47 a. m.]

[Sec. 5a Application 47]

MISSISSIPPI VALLEY MOTOR FREIGHT BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

SEPTEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed August 31, 1953, by: Morris D. Acree, Attorney-in-fact, 407 Buder Building, St. Louis, Mo.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Mississippi Valley Motor Freight Bureau, relating, among other things, to rates, rules, and regulations governing the transportation of property between St. Louis, Mo., and East St. Louis, Ill., and points in southern Illinois, and procedures for the joint initiation, consideration and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7818; Filed, Sept. 8, 1953;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FORTUNATO BRUNATO ET AL.

NOTICE OF INTENTION TO RETURN
VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fortunato Brunato, Resana, Italy, Antonio Brunato, Resana, Italy, Francesca Brunato, Resana, Italy; Claim No. 43966; cash in the Treasury of the United States as follows: \$1,133.98 each, to Fortunato Brunato and Francesca Brunato and \$1,133.97 to Antonio Brunato.

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7819; Filed, Sept. 8, 1953;
8:50 a. m.]

TOLA MUTZENMACHER

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tola Mutzenmacher, Shchunat Schapiro, 25 Ibn Pakuda, Tel Aviv, Israel, Claim No. 57252; Vesting Order No. 12490; \$178.55 in the Treasury of the United States.

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7824; Filed, Sept. 8, 1953;
8:50 a. m.]

HENRY MARINUS CHRISTENSEN

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henry Marinus Christensen, Copenhagen, C. F. Richevej 101B, Denmark; Claim No. 35874; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942), relating to United States Letters Patent Application Serial No. 434,266, from which application United States Letters Patent No. 2,356,505 was subsequently issued.

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7820; Filed, Sept. 8, 1953;
8:50 a. m.]

JORGEN HERTZ

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jorgen Hertz, sole proprietor of A. Jorgenson & Company, Copenhagen, Denmark; Claim No. 35875; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to Patent Application Serial No. 241,833 (now United States Letters Patent No. 2,372,205) and Divisional Patent Application Serial No. 574,148 (now United States Letters Patent No. 2,628,628).

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7822; Filed, Sept. 8, 1953;
8:50 a. m.]

IRENE DAMMANN

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Irene Dammann, London, England, Claim No. 2269; Vesting Order No. 2561; all right, title and interest and claim of any kind or character of Irene Dammann, in and to any and all trusts created under the Will of Jacob W. Gutman, deceased, being administered by The Hanover Bank, New York, New York, and Sidney H. Hersch, 363 West Church Street, Elmira, New York, as trustees acting under the judicial supervision of the Surrogate's Court, New York County, State of New York.

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7821; Filed, Sept. 8, 1953;
8:50 a. m.]

DR. ISIDORE KAHN

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Isidore Kahn, The Hague, Netherlands; Claim No. 5498; \$75.00 in the Treasury of the United States.

Executed at Washington, D. C., on August 31, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-7823; Filed, Sept. 8, 1953;
8:50 a. m.]

